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**JUNE 2004 FEDERAL LAND DISPOSAL
ENVIRONMENTAL ASSESSMENT
LAS VEGAS FIELD OFFICE**

ENVIRONMENTAL ASSESSMENT

EA Number: NV- 2004-070

Serial/Case File #: N-65948, N-65952, N-75200, N-76385, N-76400, N-77032, N-77036, N-77040, N-77054, N-77055, N-77057, N-77065, N-77125, N-77304 through N-77311, N-77314 through N-77338, N-77340 through N-77363, N-77365, N-77366.

Introduction and Background:

Competitive Sale: The Bureau of Land Management (BLM) proposes to hold a competitive sale of federal public land in the Las Vegas Valley under the authority of, and in accordance with, applicable provisions of Sections 203 and 209 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. §§1713 and 1719) (FLPMA), and the Southern Nevada Public Land Management Act of 1998, (12 Stat. 2343), as amended by the Clark County Conservation of Public Land and Natural Resources Act of 2002 (Pub. Law 107-282) (hereinafter collectively referred to as “SNPLMA”). The land consists of 71 parcels of various sizes totaling 2,532.01 acres, more or less (see Appendices 1&2 for legal descriptions and a map of locations) (hereinafter the “subject lands”).

The subject lands are proposed to be sold at public auction, and would be the 9th public auction of federal public land under SNPLMA. Interested parties will be allowed to submit sealed bids accompanied by 10% of the bid amount prior to the auction. Those declared highest bidders at the auction are required to submit 20% of their high bid by close of business the day of the auction. Final payment is due within 180 days of the auction. Any unsold parcels may be offered for sale on the Internet following the auction.

The proposed June 2004 Sale will also include 9 parcels that were identified for sale in previous auctions, but did not sell because they either did not receive any bids, or the sales were cancelled due to default. The environmental impacts of disposing of these parcels were previously analyzed under the National Environmental Policy Act (NEPA), but are included in this EA to completely assess disposal based on new environmental data not available at the time the past EA’s were approved.

The Notice of Realty Action published in the Federal Register for the proposed June 2004 auction re-notifies all 9 parcels previously offered that did not sell, as well as the 62 new parcels being offered.

1.0 Proposed Action Title/Type

Competitive Sale: BLM proposes to hold a competitive sale of federal public land in the Las Vegas Valley under the authority of, and in accordance with, applicable provisions FLPMA and SNPLMA. The land consists of 71 parcels of various sizes totaling 2,532.01 acres; more or less (see Appendices 1&2 for legal descriptions and Map 1 for locations).

It is proposed that the subject parcels will be sold at public auction, as part of the disposal of federal public land contemplated under section 4 (1) of SNPLMA. Following each oral auction, unsold parcels may be offered for sale on the Internet. Prior to the auction, interested parties can submit sealed bids accompanied by 10% of the bid amount. Those declared highest bidders at the auction must submit 20% of their high bid by close of business the day of the auction. Final payment is due within 180 days of the auction, which will be Monday, November 29, 2004, provided the sale is held on June 2, 2004.

1.1 Location of Proposed Action

The sale consists of numerous parcels throughout the Las Vegas Valley within the disposal boundary adopted by Congress in SNPLMA, as amended. All parcels are located within the original SNPLMA disposal boundary as approved in 1998. A detailed legal description of the subject lands is provided in Appendix 1, and parcel maps of the subject lands are included in Appendix 2.

1.2 Conformance with Applicable Land Use Plan

The subject lands are within the disposal boundary adopted by Congress in SNPLMA, and have additionally been identified as suitable for disposal in the Las Vegas Resource Management Plan/Final Environmental Impact Statement (RMP/FEIS) approved in October 1998. (See the Record of Decision, Lands Decision LD-1, page 18 of Appendix A of the RMP/FEIS).

Therefore, the proposed action conforms to authority granted to BLM by Congress, and to applicable BLM land use plan. A copy of the RMP/FEIS is available for review at the BLM Las Vegas Field Office, 4701 N. Torrey Pines Dr., Las Vegas, NV.

This EA incorporates by reference relevant sections of the RMP/FEIS, where appropriate. BLM has also used the most current information available to complete this analysis of the proposed action.

1.3 Need for Proposed Action

The Las Vegas metropolitan area is one of the fastest growing urban areas in the United States (SNPLMA, Section 2(a)(3)). Furthermore, population and employment growth will remain robust throughout the foreseeable future. Population is expected to grow to 2.6 million by 2035. At the current projected rate, Las Vegas will continue to be one of the fastest growing metropolitan areas in the United States. (Schwer and Riddel, 2002).

BLM administers extensive federal public land in small and large parcels interspersed with or adjacent to private land in the Las Vegas Valley (SNPLMA, Section 2(a)(1)). Many of these parcels lie within developed areas of the Las Vegas Valley fragmenting the landscape and making federal management difficult. As a result, the subject lands are more appropriate for disposal. (SNPLMA, Section 2(a)(1)). Therefore, Congress authorized BLM to dispose of lands within the SNPLMA boundary adopted by Congress in 1998, and amended in 2002.

Under Section 4(d)(1) of SNPLMA, the appropriate local Las Vegas government, together with BLM, jointly select federal public lands within the SNPLMA disposal boundary to be put up for

sale. Joint selection is required under SNPLMA. This process insures that public land disposals made under SNPLMA are consistent with local land use planning/zoning requirements and recommendations.

The subject lands were selected by the City of Las Vegas, City of Henderson, Clark County and BLM as lands to be offered for sale at public auction by BLM. This process involves months of cooperative effort between BLM and these local governments whose proposed actions are based, in part, on nominations received from the general public and developers for parcels to be offered for sale.

As required by SNPLMA, the proceeds from the sale of the subject lands and the designated uses for the funds are as follows: the State of Nevada receives 5% for its general education program; the Southern Nevada Water Authority receives 10% for water treatment and transmission facility infrastructure in Clark County; and BLM deposits the remaining 85% into a special account for purposes including the acquisition of environmentally sensitive lands in Nevada (SNPLMA Section 4(e)).

1.4 Relationship to Statutes, Regulations and Agency Jurisdiction

The proposed auction is specifically authorized by SNPLMA/FLPMA, which are administered by the Secretary of Interior, through BLM. A complete review of the RMP/FEIS was performed by BLM staff and by those preparing the EA, pursuant to 43 CFR 1610.5-3, and other public land laws and regulations administered by BLM to determine if the proposed action conforms to those requirements. Because the subject lands have been identified as suitable for disposal by Congress in SNPLMA and BLM in its RMP/FEIS, the proposed auction is squarely within the administrative jurisdiction of the Secretary of the Interior, acting through BLM.

BLM land sales such as those proposed here are regulated by 43 CFR Part 2710. BLM follows the procedures in those regulations when conducting sales under SNPLMA/FLPMA (see Exhibit C, Appendix 3, BLM's program guidance memorandum). The proposed action conforms to applicable authorities and procedures under FLPMA, SNPLMA, and 43 CFR Part 2710.

1.5 Relationship to Community Development Plans

The parcels of land nominated by the local governments to be sold by the BLM are within the land encompassed by the following local land use plans:

- Clark County 1988 Comprehensive Master Plan
- Las Vegas 2020 Master Plan
- Northwest General Plan, Amendment to the City of Las Vegas General Plan, December 18, 1996
- Draft Lone Mountain/Centennial Hill 2002
- Lone Mountain Land Use Plan June 17, 1997
- Enterprise Land Use Plan

- Blue Diamond Neighborhood Plan, August 21, 2002
- Decatur Boulevard Neighborhood Plan – January 3, 2001
- Southwest Las Vegas Valley Public Facilities Needs Assessment Report, January 2, 2001
- West Henderson Land Use and Transportation Plan CPA-02-520035 Amendment 1 - 08 April 2003

Because SNPLMA requires joint selection with local governments, the public lands selected for disposal are consistent with the planning goals of local governments. Privatizing the public lands will assist these communities and neighborhoods in fully realizing the objectives and policies as stated in these respective land use plans.

2.0 Proposed Action

BLM is proposing to sell, at public auction, 71 parcels consisting of 2,532.01 acres pursuant to SNPLMA. See Exhibit C, Appendices 1 and 2 for legal descriptions and maps of locations. The parcels are located in the Mojave Desert throughout the Las Vegas Valley. The proposed public auction date would be June 2, 2004, at Sam's Town, 5111 Boulder Highway, Las Vegas, Nevada 89122-6004. All interested parties are welcomed to attend. Bidders must be qualified under 43 CFR 2711.2. Any qualified bidder may purchase the land and use it lawfully in the future. Any future use and/or development of the subject lands may occur only in accordance with local land use planning and zoning laws and regulations.

BLM will not know who the successful purchasers of the property will be, nor will BLM have any knowledge of all future proposed uses and/or development plans, if any, on the subject lands. However, BLM has used the most current information available to reasonably predict development scenarios (apartments, homes, office buildings, parks, convenience stores or moderately sized casinos) for the subject lands.

2.1 No Action Alternative

The subject lands would remain as federal public land under the no action alternative. Because the lands are interspersed with other privately held lands in an urban area, and therefore difficult for the federal government to manage, the lands would remain at risk for unauthorized uses, including, among others, unauthorized use by off-road vehicles resulting in an adverse impact to air quality, unauthorized dumping of construction and other debris creating unsightly and possibly nuisance conditions.

2.2 Alternatives Considered But Dropped From Further Consideration

Not to Offer 1940 Acre Parcel

With the public concern about growth in the Las Vegas Valley an alternative that proposed offering less acres for sale was considered. The Henderson parcel that did not sell in the November 2003 sale would not be offered at this sale. In addition any land identified for other purposes such as schools, parks or other public purposes would not be removed from the sale prior to June 4, 2004.

BLM believes that dropping the Henderson parcel would be contrary to the provisions in SNPLMA requiring joint selection of lands to be offered and requiring disposal activities to be consistent with local land use planning and zoning requirements and recommendations, (SNPLMA section 4 (d)(1)). The City of Henderson recommends that the approximately 1,940 acre parcel be sold as one parcel to facilitate development of a master planned community. BLM is not aware of any reason, environmental or otherwise to sell the land inconsistent with the City of Henderson expectations.

Divide 1940 Parcel into Smaller Parcels

The BLM considered an alternative that would divide the approximately 1,940 acre parcel within the City of Henderson into smaller parcels. However, BLM determined that while this alternative would still provide land for local community development, it would not be in a manner consistent with local government planning and zoning requirements and recommendations in this instance. Currently, the City of Henderson envisions a master planned community development once the land is transferred out of federal ownership. To offer the land in smaller parcels may create a situation where numerous developers could acquire title to various parcels. The City of Henderson's master planned community concept would be facilitated by the City having to deal with only one potential landowner as opposed to numerous landowners immediately following the sale. Throughout the joint selection process, the City of Henderson consistently identified its desire to have these specific +/-1,940 acres sold as one parcel. It is BLM's determination that selling the +/-1,940 acres in smaller parcels does not meet the purpose and need for disposing of land consistent with local land use planning and zoning requirements and recommendations, pursuant to Section 4 of SNPLMA.

3.0 Affected Environment

A. Botany

Mojave creosote bush scrub is the dominant plant community represented within the subject lands, which range in elevation from 1,980 to 2,600 feet above mean sea level (msl). Mojave creosote bush scrub generally is found below 5,000 feet msl in elevation.

Plant species typically associated with the creosote bush scrub vary slightly with soil composition and terrain but generally include: white bursage (*Ambrosia dumosa*), mormon teas (*Ephedra* spp.), rhatany (*Krameria* spp.), chaff-bush (*Amphipappus fremontii*), paper daisy (*Psilostrophe cooperi*), big galleta (*Pleuraphis rigida*), Indian ricegrass (*Achnatherum hymenoides*), and apricot

mallow (*Sphaeralcea ambigua* ssp. *ambigua*) (PBS&J, 2002). Desert holly (*Atriplex hymenelytra*) is reportedly common on steeper slopes throughout the community (ibid).

One plant species of concern is known to possibly occur within the proposed action area – catclaw acacia (*Acacia greggii*). This plant species is not federally or state listed, however, it supports populations of the sensitive bird species – Phainopepla (*Phainopepla nitens*).

Catclaw acacia - Catclaw acacia is common over much of the northern Chihuahuan, Sonoran, and southern Mojave deserts and is generally found at elevations between 1,000 and 5,000 feet above msl (Uchytel, 1990).

Catclaw acacia is generally not a dominant plant species (Uchytel, 1990). In the Mojave Desert it is largely confined to washes (ibid.). Away from the washes catclaw acacia occurs as scattered individuals (ibid.).

B. Threatened and Endangered Species

The only federally listed species known to possibly occur within the subject lands is the Mojave Desert tortoise (*Gopherus agassizii*). On August 4, 1989, the U.S. Fish and Wildlife Service (USFWS) published an emergency rule listing the Mojave population of the desert tortoise as endangered (54 FR 42270). On April 2, 1990, the USFWS determined the Mojave Desert tortoise as threatened with extinction in response to significant population decline and habitat loss, thereby bringing the species under full protection of the Endangered Species Act (ESA) of 1973, as amended (55 FR 12178).

The desert tortoise is a widespread species distributed throughout major portions of the Mojave and Sonoran deserts of California, Nevada, Utah, Arizona, and Sonora and Sinaloa Mexico (Boarman, 2002). The home range of a desert tortoise has been measured to vary between 10 acres and 450 acres at elevations up to 5,000 feet msl; however, the best habitat for the desert tortoise reportedly occurs between 1,000 and 3,000 feet msl (ibid.). The desert tortoise spends a significant amount of its time in washes where friable soil is available and productivity of plant life is higher.

Wildlife special status species include a variety of bat species, two reptiles, and a variety of birds. The more common avian species are addressed under the Migratory Bird section. BLM sensitive western chuckwalla (*Sauromalus obesus obesus*), and the banded gila monster (*Heloderma suspectum cinctum*) are two species with potential to occur within the project area. Gila monsters are more commonly found associated with ephemeral water sources and chuckwalla are found associated with rock outcrops. The subject lands lack good quality habitat for these species. The subject lands also lack caves, bridges, and/or abandoned mine tunnels, which could serve as habitat for various species of bats. Protective measures are in place to ensure that habitat for these species is protected and/mitigated for outside of the Las Vegas Valley.

C. Migratory Bird Treaty Act

The subject lands potentially provide breeding habitat for several species of migratory birds. The two most likely migratory birds that may occur within the subject lands are the western burrowing owl (*Athene cunicularia hypugea*) and the phainopepla (*Phainopepla nitens*). Under the Migratory Bird Treaty Act of 1918, 16 U.S.C. 703-711, it is deemed unlawful to take, kill, or possess migratory birds. A list of those protected birds can be found at 50 CFR 10.13. The subject lands are all within the Las Vegas Valley. Breeding habitat for migratory birds in much of the Las Vegas Valley has been degraded to varying degrees due to habitat fragmentation. Though development of these lands has potential to further fragment or eliminate breeding habitat for migratory birds, habitat still exists outside of the Valley. Species that utilize similar vegetative associations will be afforded some protective provisions through efforts to protect critical desert tortoise habitat such as the establishment of Areas of Critical Environmental Concern (ACEC).

D. Wildlife

The wildlife species that occur throughout the project area are widespread and common in areas outside of the Las Vegas Valley. The quality of wildlife habitat within the subject area has been degraded through fragmentation and increased human use originating from developed areas surrounding the parcels. As a result, the subject lands are not likely to contain the majority of any species' population, and the proposed action will result in minimal contribution to population decline. Habitat protection for these species will occur outside the Las Vegas Valley through the implementation of the conservation measures identified in the Clark County Multiple Species Habitat Conservation Plan (MSHCP) and the terms and conditions of the programmatic biological opinions.

E. Soils

The soils of the subject lands are primarily Dalian and Tencee. Gravels of varying sizes dominate the surface of a majority of the subject lands. These soils are of greater risk of creating air borne dust when the surface becomes disturbed and unstabilized .

A majority of the parcels are between 1 and 10 percent disturbed and unstabilized. The disturbances on these parcels are mainly caused by off-road vehicle use. Parcels N-75200 and N-77125 are the only parcels that are less than five percent disturbed. The remaining parcels have a higher number of unstabilized disturbances that are caused by construction activities and debris dispersion (i.e., rock/dirt piles, concrete slabs, cement piles). The percentages of disturbances within the parcels were evaluated as groupings of contiguous areas, as opposed to calculating every individual parcel separately. Please refer to Exhibit C, Appendix 6 – Analysis Factor Table for more specific data.

F. Air Resources

The Las Vegas Valley is in attainment with the National Ambient Air Quality Standard (NAAQS) for the following priority pollutants: sulfur dioxide (SO₂), lead, nitrogen oxides (NO_x), and particulate matter under 2.5 microns (PM_{2.5}). The Las Vegas Valley is in non-attainment for particulate matter less than 10 microns (PM₁₀), carbon monoxide (CO), and very recently ozone (O₃). Southern Nevada's non-attainment area (Basin 212 Non-Attainment) for both CO and PM₁₀ extends 1,500 square miles and covers all urban areas in the Las Vegas Valley, including the cities of Las Vegas, Henderson, and North Las Vegas. On April 15, 2004, EPA designated all of Clark County Nevada as a "basic" 8-hour ozone nonattainment area. (EPA)

The Clean Air Act Amendments of 1990 require federal agencies to ensure their actions conform to the appropriate State Implementation Plan (SIP). The SIP is a plan that provides for implementation, maintenance, and enforcement of the NAAQS and includes emission limitations and control measures to attain and maintain the NAAQS. Clark County has two SIPs deemed complete by the U.S. Environmental Protection Agency (EPA) for PM₁₀ and CO; Clark County will need to submit an additional SIP to EPA identifying those specific mitigation measures it proposed to enforce in order to achieve the 8-hour ozone NAAQS by June 2009.

Federally funded and approved actions or projects are subject to the federal General Conformity regulations. Conformity is defined as demonstrating that a project conforms to the SIP's purpose of eliminating or reducing the severity and frequency of violations of the ambient air quality standards and achieving expeditious attainment of such standards. A conformity determination is required for a project proposed to be located in a non-attainment or maintenance area if the project's total direct or indirect emissions of criteria pollutants would equal or exceed the annual de-minimis emissions levels in 40 CFR 93.153. Total direct and indirect emissions are the sum of the emissions increases and decreases from the proposed action, or the "net" change in emissions anticipated to occur as a result of the proposed project. An action is considered regionally significant, under EPA regulations, if the emissions associated with the project are 10 percent (%) or more of the region's emissions for that particular pollutant.

Land sales are exempt from air conformity determinations under EPA regulations. Certain federal actions are listed as exempt from the conformity determination requirements, and, under 40 CFR 93-153(C)(2)(xiv), "transfers of ownership, interests, and titles in land, facilities and real and personal properties, regardless of the form or method of the transfer," are actions which are expressly made exempt.

Emissions Inventory

Particulate Matter (PM₁₀). The PM₁₀ SIP for Clark County, dated June 7, 2001 (this SIP is still under acceptance review by EPA), provides the most up-to-date inventories of emissions for PM₁₀. The SIP contains two sets of inventories: one for the entire non-attainment area; and another for an attainment demonstration area. The SIP specifically identifies the attainment demonstration area as the BLM Disposal Area as defined on June 7, 2001 (the original SNPLMA boundary). Congress expanded the disposal boundary in 2002. Therefore, the attainment demonstration area and the SNPLMA disposal boundary no longer correspond. However, all land

affected by this action falls within the original SNPLMA disposal boundary, and is therefore also within the SIP attainment demonstration area. The inventories used in this analysis are those inventories identified for the attainment demonstration area. The following is a summary of the major categories and the percentage of total emissions attributed to the category, as identified in the relevant SIP inventory.

Attainment Demonstration Area. Total emissions for PM₁₀ within this area were calculated at 171,755 tons per year. The PM₁₀ emissions for each major category area as follows: Construction 23%, Vacant Lands 39%, Paved Road Dust 26%, Unpaved Road Dust 9%, with 1% each for Mobile, Point, and Area sources. The PM₁₀ SIP provides an estimate of the emissions reduction projected based on various control measures and regulations for the enforcement of standards for the year 2001 of 170,625 tons/year. This is a reduction of 1,130 tons/year.

Non-Attainment Area. Total current emissions for PM₁₀ were calculated at 333,132.7 tons per year. The inventory provided categories for grouping emissions. The emissions attributed to each category are as follows: 66% from wind erosion of vacant lands, 20% from paved and unpaved road dust, and 10% from construction and wind erosion, with 4% from all other minor sources combined.

Carbon Monoxide (CO). The most recent projections for CO inventories are within the SIP submitted to the EPA. The Clark County CO SIP (August 2000) identifies 174,882 tons per year based on 479.13 tons per day, emitted from a number of stationary and mobile sources. The emissions projected for 2000 were estimated at 141,310 tons/year. This decrease of 33,572 tons/year is based on the use of oxygenated fuels and vehicles that burn fuels with little to no CO emissions. Potential increases in CO emissions are presented in the environmental impact section below, based on various potential residential and commercial development possibilities.

Graphs on pages 2 through 7 of the Clark County CO SIP (August 2000) show a history of exceedence days for CO. During the period 1981 to 1991, the number of exceedence days ranged from 6 in 1991 to a high of 41 in 1985. Since 1981, the trend is a decrease in exceedence days. From 1999 to the present there has not been an exceedence recorded in the Las Vegas Valley. This is consistent with EPA's trends analysis for a general reduction in the CO levels throughout the United States. This is attributed to newer vehicles that burn fuels more efficiently.

Ozone (O₃). Ozone is a gas composed of three oxygen atoms. It is not usually emitted directly into the air, but at ground level is created by a chemical reaction between oxides of nitrogen (NO_x) and volatile organic compounds (VOC) in the presence of heat and sunlight. Motor vehicle exhaust and industrial emissions, gasoline vapors, and chemical solvents are some of the major sources of NO_x and VOC that help to form ozone. Sunlight and hot weather cause ground-level ozone to form in harmful concentrations in the air. As a result, it is known as a summertime air pollutant. Many urban areas tend to have high levels of "bad" ozone, but even rural areas are also subject to increased ozone levels because wind carries ozone, and pollutants that form it, hundreds of miles away from their original sources (EPA).

The length of ozone formation season varies by location. The ozone formation season in Clark County typically lasts from May 1 to Oct. 1. The combination of hot, dry, stagnant weather conditions during daylight hours can contribute to elevated concentrations of ozone in the valley. Clark County Department of Air Quality Management officials issue air quality advisories for ozone if weather conditions are likely to increase ozone concentrations to levels that could be unhealthy for children, the elderly and people with respiratory diseases such as asthma.

The U.S. Environmental Protection Agency established a more stringent health standard for ozone in 1997 to protect the public from longer periods of exposure. Instead of measuring ozone levels by a one-hour standard, the EPA has established a more stringent eight-hour standard.

Ozone monitoring has been conducted in Clark County since 1998. Recently, a single monitoring station has just exceeded the acceptable standards. Clark County will work through EPA to initiate the process to complete a State Implementation Plan to reduce ozone to acceptable levels by June 2009. Due to the fact all of Clark County was designated as a non-attainment area for ozone on April 15, 2004, residents will likely see new regulations to control emissions from motor vehicles, fueling stations, dry cleaners and other sources contributing to the valley's ozone problems (Clark County Department of Air Quality).

Potential Health Effects for CO and PM₁₀ and Ozone. CO can reduce oxygen delivery to the body's organs and tissue. The greatest threat is to those who suffer from existing cardiovascular disease. However, healthy people are also affected at higher levels of exposure. Exposure to higher levels of CO is associated with visual impairment, reduced work capacity and reduced manual dexterity, poor learning ability, and difficulty in performing complex tasks. Extreme exposures can cause loss of consciousness and even death.

PM₁₀ has been linked to a number of health effects including aggravated asthma, increases in respiratory symptoms like coughing, difficult or painful breathing, chronic bronchitis, and decreased lung function. Young children, senior citizens, and people with existing asthma or heart and lung problems are especially susceptible to the effects of PM₁₀ pollution.

Ground-level ozone even at low levels can adversely affect everyone. It can also have detrimental effects on plants and ecosystems. Health problems attributed to ozone include irritation of lung airways causing inflammation similar to sunburn affecting the skin. Other symptoms include wheezing, coughing, pain when taking a deep-breath, and breathing difficulties during exercise or outdoor activities. People with existing respiratory problems are most vulnerable, but even healthy people that are active outdoors can be affected when ozone levels are high (EPA).

Repeated exposure to elevated ozone pollution for several months may cause permanent lung damage. Anyone who spends time outdoors in the summer is at risk, particularly children.

Ground-level ozone also interferes with the ability of vegetation to produce and store food

making them more susceptible to disease, insects, other pollutants, and harsh weather. Ozone damages the leaves of trees and other plants, ruining their appearance. Ozone also reduces crop and forest yields.

G. Water Resources

The Nevada State Engineer is responsible for allocating water supplies to individual uses provided water is available for appropriation. The Las Vegas Valley has experienced rapid growth and development over the last twenty years, placing heavy demands on limited water resources. Historically, groundwater was used to meet water demands. By the mid-1940's, concerns were raised about limited water supplies and declining groundwater levels. The Las Vegas Valley hydrographic basin began to be overdrafted, with more groundwater extracted than was naturally recharged. This resulted in declining groundwater levels, land subsidence, declining water quality from incursion of water with higher concentration of dissolved solids and nitrates, and the loss of vegetation dependent on groundwater (Morgan and Dettinger, 1994).

Land subsidence is a concern, because of the damage potential for property. In the Las Vegas Valley, subsidence is primarily associated with excessive pumping of groundwater and the resultant water level declines. As groundwater is extracted, pressure is reduced between grains in subsurface sediments. The grains become compacted, reducing their volume. This sedimentary compaction is seen on the land surface as subsidence. It is most common in areas containing fine-grained deposits (silts and clays). Since 1935, this compaction has resulted in nearly 6 feet of subsidence (Pavelko et al., 1999).

The Las Vegas Valley Water District (LVVWD) and the City of North Las Vegas initiated an artificial recharge program in 1987. Surplus Colorado River water is injected into the Las Vegas Valley aquifer system during low demand periods, typically October through March. Through the end of 2001, about 246,000 acre-feet have been recharged (LVVWD, 2002). This represents an average of 16,400 acre-feet per year (afy) over this 15-year period. Since the recharge program was initiated, water levels have risen as much as 100 feet in the central part of the Valley (LVVWD, 2002). In those areas where the water level rises, subsidence has dramatically lessened or ceased (Bell et al., 2001).

Las Vegas Valley currently obtains most of its water supply from Lake Mead on the Colorado River, but still uses substantial amounts of ground water pumped from the valley aquifer system. The Southern Nevada Water Authority used 444,640 acre-feet as part of its Colorado River base allocation (300,000 acre-feet) and return flow credits in 2001; an additional 79,376 acre-feet of ground water was pumped from Las Vegas Valley (Coache, 2001). Since 1990, an average of 71,000 afy of groundwater has been pumped from the Las Vegas Valley. An average of 21,000 afy has been artificially recharged, resulting in an average net pumpage of about 50,000 afy (Coache, 2001). Older estimates of the natural recharge or perennial yield for the Las Vegas Valley currently used by the Nevada State Engineer are about 30,000 afy (Malmberg, 1965; Maxey and Jameson, 1948), but one more recent estimate (Donovan and Katzer, 2000) suggests the natural recharge may be as great as 57,000 afy.

There are over 5,000 domestic wells in the Las Vegas groundwater basin (Coache, 2001). A domestic well provides water to a single-family residence. There are also about 1,200 private permitted wells (wells with specific groundwater rights), and about 100 municipal permitted wells (SNWA, 2002). In particular for the municipal water purveyors, these wells help meet peak water demands during the summer. To better manage this limited groundwater resource, under state legislation passed in 1997 and 1999 (Nevada Revised Statutes, Chapters 349, 533, 534, and 572), the Southern Nevada Water Authority oversees a groundwater management program to protect the Las Vegas Valley groundwater basins from over-drafting and potential sources of contamination.

H. Flood Plains

The June 2, 2004 Land Disposal parcels are located in valleys and hills of Clark County surrounding the cities of Las Vegas, North Las Vegas and Henderson. The parcels are undeveloped with the exception that some may provide drainage easements for neighboring developments. Most of parcels are situated in the broad open desert basin known as the Las Vegas Valley. Several separate creeks many referred to as washes drain the valley. The most prominent of these is the Las Vegas Wash.

Clark County is arid with the average annual precipitation at just under 4 inches. The land is dry except during and shortly after storm events. When a storm occurs, much of its precipitation collects rapidly as surface runoff and concentrates in various low spots in a very short period of time. The soils of the area have a tendency to harden when dried and become nearly impervious to water (Tanko and Kane, 2000). This characteristic results in high volume of runoff, even from relatively moderate precipitation events. As a result, flooding may occur quickly.

There are two different types of storms that contribute to flooding in Las Vegas Valley. The winter storms cover large areas and the precipitation is widespread. These storms can contribute to the more frequent and less destructive flooding within the region. The summer storms are more localized than the winter storms, but the high intensity of these summer thunderstorms cause most of the flooding in Clark County.

The highest flows ever recorded for the Las Vegas Valley occurred July 8, 1999 when a series of thunderstorms produced 3 to 5 inches of rain per hour in the Las Vegas metropolitan area (Tanko and Kane, 2000). Street flooding was widespread as major streets collected and channeled runoff. Erosion, channel scour and sediment deposition occurred in many of the washes across the valley. Floodwater from this event damaged or destroyed more than 350 homes and caused damage to public property amounting to over \$20 million (Tanko and Kane, 2000).

The Federal Emergency Management Agency (FEMA) has delineated the boundaries of the 100-year flood for many of the creeks and washes in Clark County and its incorporated communities of Las Vegas, North Las Vegas, and Henderson (FEMA, 2002). These delineations may not show

all areas that will be inundated during a 100-year event, particularly if the area of interest is undeveloped land at some distance from the cities. In addition, some of the areas shown on the FEMA maps as being in the floodplain may no longer be subject to flooding (Weber 2003) due the construction of a flood control project after completion of the FEMA delineation. Some of the BLM parcels in June 2004 Land Disposal are in the flood boundaries delineated by FEMA. (The July 1999 event occurred after the period of record (USGS stream flow gauging data) used in the FEMA delineation. Therefore, the FEMA maps may not depict all areas inundated during that July 1999 event.).

I. Cultural Resource Management

Section 106 of the National Historic Preservation Act of 1966 requires that Federal agencies take into account the effects of their undertakings on historic properties. Efforts to identify and evaluate cultural resource properties for this project according to 36 CFR 800.4 are described in Las Vegas District Class I Cultural Resource Report 5-2121, Justification Proposal to Limit Archaeological Survey on BLM Lands in Las Vegas Valley, Southern Nevada, by Keith Myhrer, BLM Archaeologist, April, 1991. The existing data review, Cultural Resource Report 5-1990, A Review of Fifteen Years of CRM on BLM Land in Southern Nevada, August, 1990, provided documentation that a relatively large number of inventories, where few sites were identified, had been previously conducted within the Las Vegas Valley. The results of the surveys indicate that with the exception of four identified sensitive sub-zones, the lands within Las Vegas Valley are considered to be of very low sensitivity for the presence of cultural resources eligible for nomination to the National Register of Historic Places. CR 5-2121 also provided a recommendation to exempt additional field inventory for Federal actions outside the sensitive sub-zones with project area less than 200 acres in size. The State Historic Preservation Officer (SHPO) concurred with this proposal in a letter, dated May 15, 1991. CR5-2121 was amended to reflect the Las Vegas RMP disposal boundary.

The Las Vegas Valley is unique in the realm of Cultural Resource Management in the sense that a relatively large amount of acreage has been inventoried within its parameters. One result of the numerous cultural resource studies completed is the identification of areas or sub-zones of low and high sensitivity. Cultural Resources Report 5-2121, as amended in 1996 with SHPO concurrence in a letter dated August 8, 1996, provides a rationale to limit the amount of acreage surveyed for Federal actions on BLM lands in the Las Vegas Valley located outside the sensitive sub-zones, areas rated high in sensitivity. For projects over 200 acres in size a 20 percent sample inventory is employed, at Class II standards, depending on the size and type of the project area as determined by the BLM archaeologist in consultation with the SHPO. The size and location of the subject lands for this sale does not meet the criteria for Section 106 exemption outlined in CR5-2121. Based on the field surveys conducted by the BLM, SHPO determined that these parcels are not adjacent to historic buildings or within the four sensitive subzones. Therefore, SHPO granted a waiver from the Section 106 procedures and stated that the subject lands require no further evaluation. No cultural resources were found present on the parcels inventoried. The subject lands are not within any archaeologically sensitive subzone.

Cultural Resources Report CR5-2121 is used by BLM as guidance to ensure that BLM meets all requirements of the National Historic Preservation Act of 1966. Any additional cultural resource inventory completed includes the required consultation and concurrence with SHPO.

J. Hazardous Materials

"Hazardous material" means any substance, pollutant or contaminant that is listed as hazardous under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. 9601 *et seq.* (CERCLA), and its implementing regulations. The definition of hazardous substances under CERCLA includes any "hazardous waste" as defined in the Resource Conservation and Recovery Act of 1976 (RCRA), 42 U.S.C. 6901, *et seq.*, and its implementing regulations. The term hazardous materials also includes any nuclear byproduct material as defined by the Atomic Energy Act of 1954, 42 U.S.C. 2011, *et seq.* Preliminary Environmental Site Assessments (ESAs) for the all 71 parcels is complete. No hazardous materials were found.

K. Environmental Justice

Executive Order 12898 of February 11, 1994 states that "each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low income populations in the United States and its territories and possessions, the District of Columbia, the Commonwealth of Puerto Rico, and the Commonwealth of the Marian Islands." The subject lands are distributed throughout the northwest, west and southern areas of the Las Vegas Valley. The profile of Clark County's population by race is as follows (US Census Bureau):

Race	Percent
White	71.6
Black/African American	9.1
Asian	5.2
Native American / Alaska Native	0.8
Native Hawaiian & Other Pacific Islanders	0.5
Other	8.6
Two or more races	4.2

Of the total collective Clark County population for all races, 22% of the population lists their heritage as either Hispanic or Latino (ibid).

The Clark County housing stock was reviewed. Housing type categories that are most probable to accommodate low-income persons or low-income families were identified as mobile homes, duplex/3-plex/4-plex, and apartments, which make up 35% of the total available housing stock in

Clark County. Evaluation of the zip code areas that encompass the subject lands revealed these housing types make-up 24% of the total available housing stock (Clark County Department of Comprehensive Planning).

L. Land Availability for Development

Recent figures from Clark County indicate there are approximately 330,700 acres within the amended SNPLMA disposal boundary of which 150,000 acres is currently developed. Since 1990 to the present, approximately 97,000 acres were developed. The BLM estimates there are approximately 28,500 acres of BLM managed lands remaining in the original SNPLMA disposal boundary available for various purposes.

4.0 Environmental Impacts of the Proposed Action

A. Summary

Critical Element	Affected	Critical Element	Affected
Air Quality	Yes	T & E Species	Yes
ACECs	No	Wastes, Hazard/Solid	No
Cultural Resources	No	Water Quality	No
Farmlands, Prime/Unique	No	Wetlands/Riparian Zones	No
Floodplains	No	Wild & Scenic Rivers	No
Environmental Justice	No	Noxious Weeds	No
Native American Religious Concerns	No	Wilderness	No

B. Description of Impacts for the Proposed Action

It should be noted that the act of transferring title to real property causes no direct impacts to the environment. All impacts to the environment analyzed under this EA are indirect impacts. All actual development will be subject to local government approval, including permits for construction projects. BLM has no control over any future development of the land once privatized. However, NEPA requires indirect impacts of a proposed action to be analyzed. Because BLM has no control over future uses or development of the land, BLM has made certain assumptions regarding development in order to analyze the indirect impacts of future potential development. In many instances, BLM's assumptions take a conservative approach to quantifying environmental impacts.

For example, for impacts to water, BLM makes the conservative estimate that developed urban

land uses 2.5 acre-feet per year, irrespective of whether the development is residential, commercial, industrial, etc. For impacts to air quality, BLM has analyzed two development scenarios and the impacts of those scenarios on the environment. This is because future land uses such as residential, commercial, industrial, etc., have different air emission impacts. BLM has no information that shows there is any meaningful difference to the impacts on other resources based on different development scenarios. Any development is expected to have the same general impacts to the remaining resources.

Finally, all future development would require conformance with SIP's approved by EPA. The regulating agency would be required to ensure conformance with all provisions upon SIP approval so the federal standards would be met as projected.

C. Botany

The proposed land sale itself will not disturb sensitive plant species. Following the sale of the land, however, catclaw acacia and other forms of vegetation that may be present within the subject parcels may be impacted through development and increased levels of human access. A majority of the subject lands exist within or adjacent to disturbed, residential settings; thus, impacts to undisturbed area lands would occur within close proximity of already impacted habitats. The introduction of exotic species may occur from disturbance activities within the subject lands during development.

D. Threatened and Endangered Species

The proposed action may affect the threatened desert tortoise (*Gopherous agassizii*). This project will have no effect on any other federally listed species or designated critical habitat.

With the exception of the parcel in T. 23S., R. 61 E., Section 7, Endangered Species Act Section 7 Consultation for this project is covered under the Programmatic Biological Opinion for the Las Vegas Valley (1-5-96-F-23R.2) contingent on compliance with terms and conditions. The land to be sold within T. 23 S., R. 61 E., Section 7 is located outside the SNPLMA and Las Vegas RMP disposal and outside the Programmatic Biological Opinion for the Las Vegas Valley coverage area. The BLM has initiated Section 7 Consultation with the U.S. Fish and Wildlife Service for this parcel. Consultation is expected to be complete prior to the sale of the parcel. The resulting biological opinion will cover the sale of the 360 acres parcel.

The Service identifies tortoise populations in the Las Vegas Valley as isolated from high quality habitat and contiguous high-density habitat mainly because of habitat fragmentation. Tortoise habitat in the Las Vegas Valley continues to be fragmented and degraded due to development and urbanization. This urbanization has already decoupled tortoise habitat north and south of Las Vegas, which resulted in closing any opportunity to provide a corridor on the west side of the valley. Consequently, the USFWS issued the above Biological Opinion authorizing take of 125,000 acres of habitat within the Las Vegas Valley. As disposal of lands changes title only, there are no direct effects of the proposed action on the desert tortoise. The indirect effects on the

desert tortoise were evaluated in the Las Vegas Valley Programmatic Biological Assessment and corresponding Biological Opinion. The USFWS determined the effects of disposal of up to 125,000 acres within the Valley would not jeopardize the continued existence and recovery of the Mojave Desert tortoise in the wild. The development of these parcels is expected to occur when private parties become the owners of these parcels.

In September 1999, Clark County prepared a MSHCP pursuant to Section 10(a) of the Endangered Species Act of 1973. The goal of the plan is to conserve a wide variety of potentially sensitive species and their habitats throughout the county. The MSHCP identifies those actions necessary to maintain the viability of natural habitats in the county for approximately 232 species including the threatened Mojave Desert tortoise. While the MSHCP addresses all 232 species, it proposes that 79 of these species be covered by a Section 10(a) permit issued by the Service to Clark County. In November 2000, the USFWS issued a biological opinion covering incidental take of 78 of the species (chuckwalla were not covered due to commercial collection pressures) proposed by Clark County (File No. 1-5-00-FW-575). The impacts of development of private lands within Clark County on all 78 species were analyzed in this biological opinion. As mitigation, this biological opinion requires that all actions on private lands be assessed a mitigation fee of \$550 per acre of disturbance. This mitigation fee funds conservation, recovery, and protective actions to aid in the preservation of these 78 species on lands outside of the Las Vegas Valley.

The MSHCP delineated three distinct management boundaries based on the biological sensitivity of the area and the corresponding management intensity. The three areas are Intensively Managed Area (IMA), Less-Intensively Managed (LIMA) and Multiple-Use Management Area (MUMA) and are defined further within the MSHCP document. A stipulation to this permit is that no net unmitigated loss or fragmentation of habitat within the IMAs and LIMAs would occur and included MUMAs where they represent the majority of the habitat for the covered species.

Although the MSHCP was prepared in part to fulfill the requirements under the ESA for the issuance of Clark County's incidental take permit for actions on non-federal lands, the Bureau, as a signatory to this document, has agreed to minimize and mitigate impacts to those covered species by incorporating the conservation actions identified within the plan into actions on federal lands under the Bureau's purview. A vast majority of the acres associated with IMAs and LIMAs occur on BLM land. Through implementing protective measures and higher management standards within these areas, all species covered under the take permit, as well as other species that are not covered but who share the same habitat requirements, will benefit from the protection of these lands. Thirteen of the 78 species are federally listed, and of those only the desert tortoise occurs within the disposal boundary area.

On February 8, 1994, the USFWS designated approximately 6.4 million acres of critical habitat for the federally listed Mojave population of the desert tortoise in portions of California, Nevada, Arizona, and Utah (59 FR 5820). These 6.4 million acres of critical habitat became effective on March 10, 1994. Critical habitat is composed of specific geographic areas that consist of the biological and physical attributes essential to the species' conservation within those areas (i.e.,

space, food, water, nutrition, shelter, cover, and sites conducive for reproduction) (Recon, 2000). Approximately 1.2 million acres of land were designated as critical habitat in Nevada (ibid.). Critical habitat units (CHUs) were based on recommendations for Desert Wildlife Management Areas (DWMAs) outlined in the Draft Recovery Plan for the Desert Tortoise (Mojave Population) (ibid.). These DWMAs are also identified as desert ACEC by the BLM. The Las Vegas Valley, including the project vicinity, is not within desert tortoise critical habitat and does not include desert tortoise ACECs (ibid.).

E. Wildlife

Impacts resulting from the sale of the subject lands may include loss of habitat features such as cover, forage, and loss or displacement of individuals through development. Highly mobile species such as birds, jackrabbits, and coyotes are less likely to be lost. In contrast, less mobile species such as small reptiles, small mammals, and the desert kit fox (*Vulpes macrotus*) are more likely to be injured or killed during construction activities.

As stated above, Clark County prepared a MSHCP pursuant to Section 10(a) of the Endangered Species Act of 1973. The MSHCP identifies those actions necessary to maintain the viability of natural habitats in the county for approximately 232 species including the western chuckwalla, western burrowing owl, and the banded Gila monster. While the MSHCP addresses all 232 species, it proposes that 79 of these species be covered by a Section 10(a) permit issued by the Service to Clark County. In November 2000, the USFWS issued a biological opinion-covering incidental take of 78 of the species proposed by Clark County (File No. 1-5-00-FW-575).

F. Migratory Bird Treaty Act

The sale of land, in itself, is a paper exercise; therefore, there are no direct effects of the proposed action on the migratory birds. The impacts of the indirect effects associated with the eventual development of these parcels on migratory birds were evaluated in the Las Vegas Valley Programmatic Biological Assessment and corresponding Biological Opinion.

As previously mentioned, Clark County prepared a MSHCP pursuant to Section 10(a) of the Endangered Species Act of 1973. The MSHCP identifies those actions necessary to maintain the viability of natural habitats in the county for approximately 232 species including migratory birds. While the MSHCP addresses all 232 species, it proposes that 79 of these species be covered by a Section 10(a) permit issued by the Service to Clark County. In November 2000, the USFWS issued a biological opinion-covering incidental take of 78 of the species proposed by Clark County (File No. 1-5-00-FW-575).

G. Air Quality

Air Emissions Analysis (CO and PM₁₀)

In accordance with the Clean Air Act amendment requirements, this analysis focused on non-attainment priority pollutants CO and PM₁₀. Under EPA regulations, an action is considered regionally significant if the emissions associated with the project are 10 percent or more of the region's emissions for that particular pollutant. The regionally significant thresholds are 12,100 tons/year for CO and 17,800 tons/year for PM₁₀ based on the total budgets identified in each pollutant's respective SIP. The following section summarizes the quantification of emissions using the June 2003 Land Sales, Air Quality Analysis Model, derived by BLM Senior Air Resource Specialist Scott Archer (EA Number: NV-050-2003-89). The analysis included emission calculations for all six priority pollutants (CO, PM₁₀, NO_x, SO₂, VOCs, and PM_{2.5}).

Emission Factors

The emission factors used for this emission analysis were generated by BLM Senior Air Resource Specialist, Scott Archer, and are provided in EA Number: NV-050-2003-89 (assumptions presented in Appendix 4 of the EA). The emission factors take into account vehicle miles traveled, vehicle exhaust, vehicle road dust, natural gas use (hot water and furnace), electricity use (Reid Gardner Power Plant), and developed property fugitive dust. Construction emission estimates are not included as part of this analysis because the impacts are temporary, and are very site-specific. The emission estimates projected in the analyses are additive once the land is developed. The calculated emission factors for each criteria pollutant/land use are provided in the units of measurement of tons/year.

Air Pollutant Inventory Emissions Factors (tons per acre)

Criteria Pollutant	Single Family Home	Office Building	Convenience Store	Apartment Complex	Moderate Casino	City Park
CO	0.37	0.29	5.40	1.37	1.06	0.01
NO _x	1.14	0.86	8.77	4.35	2.55	0.02
SO ₂	0.08	0.07	0.17	0.32	0.15	<0.01
VOC	0.23	0.25	6.82	0.94	1.05	0.01
PM ₁₀	0.44	0.45	8.72	1.62	1.50	0.08
PM _{2.5}	0.16	0.14	1.85	0.54	0.41	0.03

Assumptions

Several assumptions were made to assist in the air emission analysis. These assumptions include the designation of projected future land uses and the anticipated duration for development of these lands.

Land Use. The evaluation of emissions for this land sale assumed current lands are converted to the following alternate land uses: single family homes; apartment complexes; office buildings; convenience stores; moderate size casino/hotels; or city parks. Based on data provided by the Clark County Comprehensive Planning Department, the percentage of the total land sale acreage assigned for each land use is shown in the table below. The total acreage associated with each land use is based on this assigned percentage.

EXPECTED DEVELOPMENT OF 592.01 ACRES

Development	Percent of Acreage	Acres
Single Family Home	65	384.81
Office Building	13	76.96
Convenience Store	2	11.84
Apartment Complex	15	88.80
Moderate Casino/Hotel	3	17.76
City Park	2	11.84
	Total Acres	592.01

EXPECTED DEVELOPMENT OF 1,940 ACRES

Development	Percent of Acreage	Acres
Single Family Home	69	1338.60
Office Building	1	19.40
Convenience Store	4	77.60
Apartment Complex	6	116.40
Moderate Casino/Hotel	0	0.00
City Park	20	388.00
	Total Acres	1940

The above tables are based on the expected development and remain consistent with potential build out possibilities. For purposes of this analysis, BLM will assume that all 592.01 acres will sell and be developed within a 5-year time frame whereas the 1,940 acre parcel is expected to be developed over an 18 year period.

Based on existing development near the parcels, it is reasonable to assume that many of the parcels in the proposed action will be developed as single-family homes, apartments, etc. The assumptions made in this analysis for the 592.01 acres are derived from the Southwest Las Vegas Valley Public Facilities Needs Assessment Report, dated January 2, 2001. These are the best projections available to complete a reasonable analysis. The development projections for the 1,940 acre parcel were provided by the planning department for the City of Henderson.

CRITERIA POLLUTANT EMISSION ESTIMATES FOR 592.01 ACRE LAND SALE

Criteria Pollutant	Single Family Home 65%	Office Building 13%	Convenience Store 2%	Apartment Complex 15%	Moderate Casino 3%	City Park 2%	Totals
Acres	367.74	73.55	11.32	84.86	16.97	11.32	565.76
CO	136.06	21.33	61.13	116.26	17.99	0.11	352.88
NOx	419.22	63.25	99.28	369.14	43.27	0.23	994.39
SO2	29.42	5.15	1.92	27.16	2.55	0.11	66.31
VOC	84.58	18.39	77.20	79.77	17.82	0.11	277.87
PM10	161.81	33.10	98.71	137.47	25.46	0.91	457.45
PM2.5	58.84	10.30	20.94	45.82	6.96	0.34	143.20

CRITERIA POLLUTANT EMISSION ESTIMATES FOR 1,940 ACRE PARCEL

Criteria Pollutant	Single Family Home 69%	Office Building 1%	Convenience Store 4%	Apartment Complex 6%	Moderate Casino 0%	City Park 20%	Totals
Acres	1338.6	19.4	77.6	116.4	0	388	1940.00
CO	495.28	5.63	419.04	159.47	0.00	3.88	1083.30
NOx	1526.00	16.68	680.55	506.34	0.00	7.76	2737.34
SO2	107.09	1.36	13.19	37.25	0.00	3.88	162.77
VOC	307.88	4.85	529.23	109.42	0.00	3.88	955.26
PM10	588.98	8.73	676.67	188.57	0.00	31.04	1493.99
PM2.5	214.18	2.72	143.56	62.86	0.00	11.64	434.95

Estimated PM₁₀ Emissions

The BLM has estimated that of the 2,532.01 acres proposed for disposal, approximately 95% of the total acreage is currently stable or native desert (2,405.4 acres) and 5% (126.61 acres) is disturbed. It is worthy to compare the potential amount of emission reduction or emission increase that would be caused by development of these lands. Taking a relatively simple approach, we can assign an average ton of PM₁₀ emission from one acre of land for the major

categories. Average emission factors were calculated using data obtained from Table 3-3 of the PM₁₀ SIP Clark County (June 2002). Calculated emission factors for stable/native and disturbed lands are 0.13 and 2.59 tons/acre/year, respectively. Therefore, the decrease in PM₁₀ emissions by source identified for the disposal of the 2,532.01 acres is within the following projections: 312.7 tons for stable/native and 327.92 tons for disturbed lands totaling 640.62 tons overall. However, based on the projected development time frame, the first five years of projected emissions will be higher decreasing in year six when only the emissions from the 1,940 acres would continue through the 18 year development time frame. This number would be offset due to the increase in PM₁₀ based on development emissions of 174.48 tons/year of PM₁₀, over the next 5-years and 82.99 tons/yr for years 6-18. This estimate does not take into consideration that some lands may not be developed and left as native habitat. This implies a PM₁₀ increase representative of the 2,532.01 acres identified for sale of $174.48 - 80.76 = 93.72$ tons/year for the first 5 years and $82.99 - 18.22 = 64.77$ tons/yr increase in PM₁₀ emissions for years 6-18.

In an article written by Keith Rogers titled “Valley’s Hazy Air Originates Locally” two research scientists, Green and Hecobian, suggest one way to tackle the haze problem would be to develop land in the urban valley, thereby controlling dust where the vacant land is already disturbed. (see Appendix 7)

Regional Significance as Defined By EPA

As demonstrated by the analysis, the proposed land disposal will not result in air emissions that are “regionally significant” under EPA regulations. EPA defines an action to have a regionally significant impact if air emissions will exceed 10% of the total regional emissions budget for a criteria pollutant. BLM is using the most conservative approach to indicate regional significance by focusing on only the attainment demonstration area emissions. If BLM used the entire 212-basin, the regional significance assessment would be determined on 10% of 333,132.7 emission inventory or 33,133 tons/year, for PM₁₀.

The regionally significant thresholds are 17,800 tons/year for PM₁₀ and 12,100 tons/year for CO, based on the total budgets identified in the SIP, for the attainment demonstration area. Estimated emissions for the development of 2,532.01 acres of land over the defined time frames are 1,954.44 tons of PM₁₀ and 1,319.18 tons of CO, well below the 10% threshold set by EPA. Yearly emission totals for PM₁₀ are even lower as shown above 93.72 for years 1-5 and 64.77 tons for years 6-18 for PM₁₀ and 130.76 tons years 1-5 and 60.18 tons for years 6-18 for CO. Therefore, impacts from BLM actions would not be regionally significant.

Air Emissions Analysis (Ozone)

EPA has recently announced its intention to designate all of Clark County as a “basic” 8-hour ozone nonattainment area. The “basic” nonattainment designation was made based on an average of three year’s monitored ozone concentrations which marginally exceeded the applicable NAAQS. Other locations throughout the U.S. with more significant exceedances may be

designated as “moderate,” “serious,” “severe” or “extreme,” which are more serious nonattainment designations. Clark County’s nonattainment designation was based on measurements just exceeding the NAAQS at a single monitoring location during 2001-3 (out of 14 monitoring stations located throughout the County.) Therefore, while EPA has determined Clark County to be in nonattainment for ozone, it is recognized that the nonattainment is not “serious.”

Once the “basic” nonattainment classification takes effect (on June 15, 2004), Clark County must prepare a SIP describing its plans to reduce ground level ozone concentrations to achieve the NAAQS by June 2009.

Because Clark County has yet to undertake its SIP analysis for ozone, there is currently little information available regarding the major contributors of ozone specific to Clark County, Nevada. Generally, the largest direct contributors to ozone impacts (because of their emissions of VOC and NO_x, which combine in strong sunlight to create ozone) are: (1) motor vehicle miles traveled; (2) gasoline stations; (3) dry cleaners; and (4) electrical generating stations. However, an area can also be greatly impacted by ozone which is transported from other distant urban areas, even from those located in other states. Based on monitoring data collected outside the Las Vegas urban area, Clark County officials have indicated that a large percentage of ozone within Clark County has migrated from areas outside of Clark County. One large contributor of ozone precursor emissions within Clark County (the Mohave Power Plant) is expected to be closed after 2006.

The proceeding Air Pollutant Emissions Inventory for the 592.01 acre land sale and the 1,940 acre parcel include estimates for ozone precursors (NO_x and VOC). Unlike PM₁₀ and CO, indirect impacts of land development on ozone levels cannot be measured from projected land uses by calculated emission factors. Because ozone formation is a complex photo-chemical process, the relationship between land uses (including motor vehicle miles traveled, gasoline stations, and dry cleaners) to ozone production cannot be meaningfully estimated without sophisticated atmospheric dispersion modeling .

BLM is working with Argonne National Laboratory to perform an elaborate modeling investigation to specifically address this issue. BLM has contracted with Argonne to perform modeling intended to be incorporated into an environmental impact statement which will analyze the direct and indirect impacts of selling all of the land in the SNPLMA boundary, as amended in 2002, for 20 years. That document differs in scope with this EA. At present, it is reasonably foreseeable that within 10 years, the lands within the original 1998 SNPLMA boundary will be sold and developed. Due to air quality concerns, it is currently unknown whether the Clark County Department of Air Quality Management can permit development outside of the original 1998 SNPLMA boundary.

However, because EPA has recently designated all of Clark County as an 8-hour ozone nonattainment area, BLM has asked Argonne to provide its preliminary data and modeling results for ozone for purposes of this EA. Argonne’s preliminary modeling results have yet to include

any control measures that Clark County must implement due to the nonattainment designation, such as requiring the use of reformulated motor vehicle fuels. Therefore, the preliminary model results are considered to be conservative.

According to Argonne's conservative model, indirect impacts from BLM's proposed land sales between 2000 and 2018 (nearly 63,000 acres) may increase ozone concentrations by 0.009 parts per million (compared to the 8-hour ozone NAAQS of 0.800 ppm). Land sales associated with the current EA would contribute only minimally to this small predicted cumulative impact, since it represents only a small fraction of the total anticipated land sales by 2018.

However, since Clark County must implement an ozone precursor emission control program before 2009, it is reasonable to conclude that the indirect impacts to ozone from BLM's proposed land sales will be more than offset by EPA's required mitigation measures before June 2009. This is because at most, indirect contributions to ozone formation due to increased precursor emissions (such as additional motor vehicle miles traveled) resulting from BLM land sales are not likely to be the largest contributors to ozone in Clark County. Given substantial regional transport from areas outside Clark County, the indirect impacts of BLM's land sales will not be major contributors to ozone impacts.

All other criteria pollutants fall within acceptable limits, and the Las Vegas Valley is in attainment for each of these pollutants.

BLM Emission Reduction Actions

The BLM has worked with Clark County to stabilize disturbed lands in the non-attainment area. In fact the BLM has reduced the emissions on an estimated 1,057.37 acres of disturbed lands, as of 6/09/03. Remediation actions can range from placing signs to fencing and watering disturbed parcels. This has realized an estimated decrease in PM₁₀ emissions from BLM administered lands by about 1,691.79 tons (1,057.37 acres x 1.6 tons/acre = 1,691.79 tons). Four parcels were jointly selected for this sale based on the existing emissions concerns and 19 parcels were sold during the last 3 land sales, where emission remediation actions were completed. Additional parcels with air emission concerns will be offered in future sales.

H. Soils

During the construction phase of development on the subject lands, the exposed soil surfaces are likely to be affected by wind erosion and soil losses or movement. Soil erosion occurs during construction when the protective vegetation and organic materials are removed. Excavation and fill stockpiles or grading can also create steep, erodible slopes. However, after a surface is prepared, applying water or other erosion control applications to the prepared surface can reduce erosion from wind. Access roads can also be a potential source of erosion unless the preliminary design calls for paved roads and holding areas. Erosion control measures are recommended within the subject lands during construction until the remaining unpaved disturbed areas are stabilized. Therefore, dust emissions are a short-term concern. In addition, completed

developments will stabilize surfaces throughout the subject lands.

I. Water Resources

The proposed action would privatize 2,532.01 acres. BLM estimates that development of this land under the proposed action may increase water demand by 6,330.03 acre-feet per year using an annual consumptive rate of 2.5 acre-feet of water per developed acre, a value established by the Southern Nevada Water Authority (SNWA) based upon historic water use for developed urban land. This estimate does not account for 1) any Colorado River return flow credits resulting from the discharge of treated wastewater to Lake Mead through the Las Vegas Wash or 2) more aggressive water conservation measures recently adopted by SNWA member agencies that will decrease the historic annual consumptive rate of 2.5 acre-feet of water per acre for developed urban land. BLM has no information that would suggest the estimated increased water demand resulting from the sale and potential development of land under the proposed action could not be met (see page 10 of this EA for a description of available water resources).

The SNWA plans to meet increasing water demands resulting from future growth through the year 2050 by using multiple strategies to conserve existing water supplies and obtain additional water supplies. SNWA and its member agencies are promoting water conservation efforts by implementing a coordinated and comprehensive public awareness program; xeriscape demonstration projects; incentive programs to replace ornamental turf with water efficient landscaping and install more efficient irrigation control devices; reuse of treated wastewater; enhanced water-waste enforcement measures; and higher rate structures. SNWA also has implemented a drought plan (SNWA, 2004) to enact additional conservation measures that reflect uncertainty in the ability to withdraw additional water from Lake Mead beyond Nevada's basic allocation as outlined in the Colorado River Interim Surplus Guidelines. These additional conservation measures include: seasonal landscape watering restrictions; other outdoor water-use restrictions; landscape restrictions for new residential and commercial construction; golf course water budgets; seasonal restrictions on commercial outdoor mist systems; conservation provisions for municipal facilities; ornamental fountain and water feature restrictions; and rate surcharges.

SNWA has been working to develop additional resources and infrastructure to increase its water supplies beyond the base allocation of Colorado River water, return-flow credits, and existing Las Vegas Valley ground-water rights and ensure it can meet future water demands. These efforts include: using artificial ground-water recharge projects to bank significant quantities of surplus Colorado River water in Las Vegas Valley and Arizona; negotiating changes in Nevada's base allocation of Colorado River water under existing agreements, decrees, and compacts as well as transfers or exchanges with other water users; developing ground-water resources under pending water-rights applications in hydrographic basins outside Las Vegas Valley; purchasing private ground-water rights in Coyote Springs Valley; developing existing surface water rights on the Virgin and Muddy Rivers; and developing technical approaches to utilize generally poor quality water from the shallow perched aquifer system in Las Vegas Valley.

J. Floodplains

The June 2004 land sale may result in the development of the parcels in a variety of ways with different land uses and development densities. Land development typically increases the volume of precipitation that becomes surface runoff and potentially increases the velocity, depth, and duration of the surface runoff. However, development projects usually include construction of flood control and detention facilities specific to the development or these facilities may be provided through regional authorities. In Clark County, developers must submit plans for addressing drainage from the proposed project as well as drainage into and out of the property. These plans are reviewed on a case-by-case basis to check that any increase to the runoff, expansion of flood boundaries, increase in depth or velocities of runoff, are, or will be mitigated during the development of the property (Weber, 2003).

K. Hazardous Material Assessment/Inspection

The public land recommended for transfer out of federal ownership via competitive sale has been physically inspected and existing records have been examined in accordance with Section 120(h) of Superfund Amendment and Reauthorization Act. No evidence was found to indicate that any hazardous substance was stored for one year or more or disposed of or released on the property. BLM employees conducted ESAs for the smaller parcels while contracts were issued for the larger parcel.

L. Cultural Resources

BLM completed an existing cultural resources data review for the 71 parcels. The specific parcels proposed for the June SNPLMA sale, which have not been inventoried at a Class III level, were evaluated on February 3, 2004. The 1,940 acre parcel inventory was completed last year and the results are contained in Cultural Resource Inventory Report 5-24-44. Those parcels which did not have rights- of- ways associated with them, i.e. encumbrances were subjected to an ocular recon with aerial photographs. The remaining parcels were previously evaluated for National Historic Preservation Act review in compliance with section 106.

Pursuant to the completion of low level aerial photo analysis, BLM concluded that the remaining parcels exhibit a very low probability for prehistoric resources. Using a zoom feature the parcels were closely viewed and BLM concluded there are no geomorphic structures which could contain shelter caves, no perennial water sources, roasting features, geoglyphs, rock alignments, etc. No historic features, transportation routes, mines, etc were identified on any of the sale parcels.

BLM determine that no additional cultural resources evaluations are required for the upcoming sale. (See exhibit C, Appendix 5).

M. Environmental Justice

The neighborhoods surrounding the various parcels of the subject lands were evaluated for the presence of potential issues relevant to Environmental Justice. A field tour was conducted for each parcel within the subject lands to evaluate the potential for Environmental Justice issues based on the demographic information collected. The field tour revealed that the private and non-federal public parcels adjacent to the subject lands are either undeveloped, public facility, commercial or residential forms of development. Those properties developed were observed to be either recently developed properties or are properties under construction. The field tour observations led to the conclusion that there are no environmental justice issues relative to the sale of the subject lands.

4.1 No Action Alternative Impacts

Since the defined need for the proposal, privatizing federal land around Las Vegas and promoting orderly disposal which conforms to local land use requirements and policies, cannot be met if the no action alternative is chosen, analysis of the impacts of not meeting the defined need for the proposal is provided.

A substantial impact of not selling federal public land in the Las Vegas Valley is that no proceeds would be realized. If this sale does not occur, a source of funds would be eliminated for acquiring environmentally sensitive lands in Nevada and for making contributions to the State of Nevada for general public education and to the Southern Nevada water Authority for water treatment and transmission facility infrastructure, (SNPLMA Section 4(e)). Approximately 155 million dollars of the total proceeds collected from the proposed June 2, 2004 auction are earmarked for close to 25 parks and recreation projects in the Las Vegas Valley. Environmentally sensitive lands are critical to protect Threatened and Endangered Species habitat, as well as riparian areas. In many cases, acquiring the last parcel of private land in a sensitive area completes the management area, which provides better control of activities that may be harmful to species we are trying to protect.

If the subject lands are not transferred to private ownership, then lands remaining under their current Federal status would not be added to the current tax base for local governments, thus not contributing to tax revenue levied on private holdings. Not selling the subject lands will increase local government infrastructure service cost resulting from the “leap frog” form of development. Dollars currently being used to support maintenance of federal recreational facilities will not be maximized, potentially reducing the quality of experience provided by these facilities to both local and outside visitors. This would, in effect, reduce the quality of recreational experience for all visitors.

The no action alternative would eliminate SNPLMA monies provided to the State of Nevada for education. As the population of the State of Nevada grows, there is a tremendous burden put on communities to provide quality education for the children. The dollars generated from the sale of lands in the Las Vegas Valley for education is important for the overall quality of the school system. Finally, the Southern Nevada Water Authority would need to find another funding source to help build the infrastructure for water delivery. It is entirely possible that taxes would need to be increased to meet the ever increasing needs for funds to build schools, provide good education

for the children of Nevada and to ensure a dependable water supply is available to all those who live in the Las Vegas Valley.

The SNPLMA clearly defines the intent of Congress to provide lands in the Las Vegas Valley for community development. The no action alternative is contrary to the intent of Congress and would remove the ability of the local communities to identify lands they want for orderly disposal and community development in the Las Vegas Valley. Private and federally owned land would remain interspersed throughout the Valley.

It is possible, that if BLM were to retain the subject lands in federal ownership, such retention would not help improve the air quality in the Las Vegas Valley. Since vacant native desert is the second highest contributor to the dust problems in the Las Vegas Valley PM₁₀ non-attainment area, BLM sees an increase in disturbance highly likely as the Las Vegas Valley continues to grow. Unauthorized use by the public with ATV and other off-road vehicles create disturbed vacant land, which is up to 23 times greater in dust emissions once disturbed. An increase in the other category pollutants (CO and ozone precursors) is not anticipated, if the public lands are not developed. The BLM is currently working with the Clark County Department of Air Quality Management to stabilize public land parcels identified as unstable by their enforcement officers. It is also possible that as land develops around BLM parcels, unauthorized land disturbing activities are likely to increase on BLM managed lands.

4.2 Cumulative Impact Assessment

The geographic area to be considered for this analysis is the SNPLMA disposal boundary as amended and all parcel identified in the Clark County Conservation of Public Land and Natural Resources Act of 2002 that are adjacent to the original SNPLMA disposal boundary. This area was considered because there are no known proposals for disposal outside this boundary and is the area where the vast majority of the community development will occur over the next 10 years. All lands designated by Congress through SNPLMA and the Clark County Act are being analyzed in an EIS that is projected to be completed in November 2004. This EIS will analyze complete build-out based on development scenarios provided by the local governments.

The analysis completed in the Las Vegas RMP covered the entire basin 212. The RMP included analysis of 1,277 acres of BLM land developed where title had transferred. BLM does not consider the sale of the subject lands as a growth inducing action, because Las Vegas is growing independent of any land BLM may sell at auction. However BLM has presented a detailed analysis in both the environmental consequences section and this cumulative impacts analysis. One basic assumption will be made as a premise for this analysis; all lands in the cumulative impact analysis geographic area will be developed, however it is possible that some land may not be developed and left in its natural state.

The following analysis will build off the analysis completed for the Las Vegas RMP. The defined timeframe for what can be considered reasonably foreseeable will be ten years based on the most recent disposal and development rates as well the lands available for disposal in the original

SNPLMA disposal boundary. BLM will not assess nor include any cumulative impact assessment for any of the approximately 22,000 additional acres added after SNPLMA was amended. This is appropriate due to a number of factors. First the State Implementation Plans for PM₁₀ and CO are expected to be approved this year. The PM₁₀ SIP covers an area that corresponds to the original SNPLMA disposal boundary. BLM cannot speak for EPA in relation to any amendments to approved SIPs that may or may not be approved upon submittal by Clark County. Although there may be considerable pressure placed on EPA to approve an amended SIP, there is no guarantee that will ever happen. Clark County has indicated they would not approve any building permits outside the area covered by an approved SIP until after an amendment was requested and approved. At this time it is uncertain how long such a process would take to complete. The current CO SIP was submitted in August of 2000, with the PM₁₀ being submitted in June of 2001. For this analysis BLM will not consider any lands located in the amended SNPLMA disposal boundary as available development in the immediate future until the EIS BLM is currently preparing is finalized and the SIPs are amended to allow such development. It is highly likely any land that cannot be developed until the PM₁₀ SIP is amended would affect the value of the land. BLM would be required to ensure the public interest is served and may not offer parcels where fair market value may not be realized.

Past Disposal Actions

Past disposal actions since the Las Vegas RMP was approved in 10/5/98 amount to 21,230 acres. Legislative actions that impacted the disposal rate amounted to approximately 10,964 acres and other actions that include exchanges, R&PPS, other conveyances and SNPLMA sales amounted to 10,266 acres, see below for legislative actions:

Public Law 107-282, The Clark County Conservation of Public land and natural resources Act of 2002, mandated that BLM dispose of additional lands as noted in the legislation as well as providing guidance for other disposals as follows:

- a. Title 1 Red Rock Canyon National Conservation Area Land Exchange and Boundary Adjustment provided for approximately 1,082 acres being added to the Red Rock NCA as well transfer title of 998 acre to the Hughes Corporation and 1,221 acre to Clark County for a County Park.
- b. Title VI – Sloan Canyon National Conservation Area required BLM to offer for sale approximately 500 that was adjacent to the amended SNPLMA disposal boundary but not under the distribution of funds mandate in SNPLMA. In fact 95% of the sale proceeds go to funding the new NCA management, with 5% going to the State of Nevada for schools.
- c. Title VII – Public Interest Conveyances, Sec. 706. Sale of Federal Parcel. This parcel (360 acres) is also outside but adjacent the amended SNPLMA boundary.

Public Law 107-350 required BLM to transfer title for 2,880 acres to Clark County for a shooting range, patented 11/26/03. Per Clark County, only a small portion of this land will be developed. Public Law 105-263, SEC. 4 (g) required BLM to transfer title without consideration all right, title and interests to Clark County. Patent was issued to 3,927.16, as a SNPLMA disposal on

3/30/99.

Public Law 96-586, the area covered by the Santini-Burton Act contained lands, 1,078.32 acres within the CMA that were patented on 3/30/99.

Present Disposal Action

The only present disposal action includes the land currently proposed for disposal 2,523 acres. The 1,940 acre parcel in Henderson that did not sell in November of 2003 is included in the cumulative analysis. See analysis of the impacts in the proposed action section.

Reasonably Foreseeable Future Disposal Actions

The reasonably foreseeable future disposal actions would amount to 28,073 acres over the next 10 years, with the acres per year being variable, based on local and federal government entities nominations for sales. See the table below for a complete assessment of impacts due to development.

A. Botany

Disposal and future development of BLM lands could lead to the loss of 90% of the native vegetation within the Las Vegas Disposal area. It is expected that approximately 10% of the land would remain in its natural state. This loss of habitat would represent less than 1% of the total habitat existing within the Las Vegas planning area.

B. Threatened & Endangered Species

Disposal and future development of BLM lands could lead to the loss of 100% of the desert tortoise habitat within the Las Vegas Disposal area. It is expected that if tortoise are encountered most of them would be transported to the desert tortoise center for handling. Under its Biological Opinion, File No. 1-5-96-F-23R.2 (October, 2001), the USFWS determined that the disposal of up to 125,000 acres of BLM lands within the Valley would not reduce appreciably the likelihood of survival and recovery of the Mojave population of the desert tortoise in the wild, or diminish the value of critical habitat both for survival and recovery of the desert tortoise because:

1. The disposal lands do not lie within any areas recommended for recovery of the desert tortoise or areas designated as critical habitat;
2. The Valley is rapidly developing and habitat within this area is expected to continue to be fragmented and degraded;
3. Remuneration fees collected by the BLM to compensate for the loss of desert tortoise habitat will benefit recovery of desert tortoise;
4. The desert tortoise is a wide-ranging species occurring over a large area; and
5. The proposed disposal of up to 121,000 acres of desert tortoise habitat and 4,000 acres of previously disturbed desert tortoise habitat (no longer suitable for desert tortoise) would represent a loss of approximately 4% of the 4,900 square miles (3.12 million acres) of desert tortoise habitat estimated to occur in Clark County. Effects on desert tortoises within the Las Vegas Valley

represent a small impact to the Mojave population of the desert tortoise when total desert tortoise population numbers and geographical extent are considered.

C. Migratory Bird Treaty

Disposal and future development of BLM lands could lead to the loss of 90% of the native vegetation within the Las Vegas Disposal area. It is expected that approximately 10% of the land would remain in its natural state. It is not known at this time if migratory birds would continue to inhabit any native vegetation areas not developed over time. The Las Vegas Valley is not likely to contain the majority of any species' population. The loss of 125,000 acres of habitat would represent a loss of approximately 4% of the 4,900 square miles (3.12 million acres) of similar habitat estimated to occur in Clark County; therefore, it is expected that the proposed action will result in minimal contribution to migratory bird population declines.

D. Wildlife

Disposal and future development of BLM lands could lead to the loss of 90% of the native vegetation within the Las Vegas Disposal area. It is expected that approximately 10% of the land would remain in a natural state. It is not known at this time if wildlife would continue to inhabit any native vegetation areas not developed over time. The loss of 125,000 acres of habitat would represent a loss of approximately four percent of the 4,900 square miles (3.12 million acres) of similar habitat estimated to occur in Clark County; therefore, it is expected that the proposed action will result in minimal contribution to wildlife population declines.

E. Soils

Disposal and future development of BLM lands could lead to the disturbance of 90% of the soil surfaces in the Las Vegas Valley, within the Las Vegas Disposal area. It is expected that approximately 10% of the land would remain in its natural state.

Disturbance of most of the surficial soils on BLM lands within the disposal boundary is considered not to be substantial because the nature of disturbance is only temporary. As the lands are developed from natural areas to urbanized settings, construction and grading activities will disturb large areas. These temporarily disturbed areas will be stabilized as streets and sidewalks are paved, buildings and houses are built, urbanized areas are landscaped, flood control conveyances are constructed, etc. The RMP/EIS does recommend erosion control measures be implemented during construction to minimize soil loss while these temporary disturbances occur as lands are developed.

F. Air Quality

The rate of public land disposal has increased over what was projected in the 1998 RMP/FEIS. This is due, in part, to numerous Congressional acts being passed since 1998 that require BLM to convey lands to other parties at a higher rate than could be anticipated. However, the analysis in

the RMP/FEIS discloses the potential impacts of 80,000 acres being developed over 20 years. Based upon information given to BLM from Clark County, since 1998, only 40,000 acres have been developed in the Las Vegas valley. This number includes both public lands disposed since 1998, and private lands developed. A search of Clark County records has revealed that since 1998, approximately 1,700 of federally disposed public lands is currently being developed each year.

The 1998 RMP/FEIS analysis was based on the assumption that 4,800 acres were developed in the valley each year. Since then, the average annual development has increased. According to Clark County, during the past 6 years, the average annual development has risen to 6,657 acres per year.

The calculated emissions are intended as estimates based on trends in development within the Las Vegas Valley. These estimates may or may not represent the final development that occurs on the lands, but these projections are reasonable, based on past and future development proposed within the Las Vegas Valley. The estimate of 6,657 acres was provided by Clark County Planning Staff as the average number of acres that are currently being developed, based on the past six years of development data.

**CRITERIA POLLUTANT EMISSION ESTIMATES IN TONS/YEAR
FOR DEVELOPMENT OF 6,657 ACRES IN ONE YEAR**

Criteria Pollutant	Single Family Home 65%	Office Building 13%	Convenience Store 2%	Apartment Complex 15%	Moderate Casino 3%	City Park 2%	Totals
Acres	4327	865	133	999	200	133	6657
CO	1,601	250.85	718.2	1368.63	212	1.33	4152
NOx	4932.78	743.9	1166.41	4345.65	510	2.66	11701.4
SO2	346.16	60.55	22.61	319.68	30	1.33	780.33
VOC	995.21	216.25	907.06	939.06	210	1.33	3268.91
PM10	1903.88	389.25	1159.76	1618.38	300	10.64	5381.91
PM2.5	692.32	121.1	246.05	539.46	82	3.99	1684.92

A basic assumption is made for this analysis of potential reduction in PM₁₀ emissions based on surface stability of any lands developed: The figures presented in the PM₁₀ SIP inventory completed by Clark County of 10% stabilized, 29% disturbed and 61% stable native desert were used for this analysis. These numbers will vary based on the actual surface condition of each parcel; however it is reasonable to use these numbers to project emissions over time. Currently, there is no way to determine the actual surface stability of future sale parcels until the EA for each sale is prepared.

Therefore, for the 6,657 acres projected to be developed each year, the assumption is made that 665.7 acres would be stabilized, 1,930.53 acres disturbed and 4,060.77 acres would remain native stable desert. As stated in the affected environment, the factors used to determine potential reduction in dust emissions based on land development are again as follows: disturbed vacant lands and unpaved parking lots the average $(48,500 \text{ divided by } 18,719) = 2.59 \text{ tons/ac/yr}$, with native desert $(14,500 \text{ divided by } 113,804) = .13 \text{ tons/ac/yr}$ and stabilized vacant land $(5,400 \text{ divided by } 54,666) = .99 \text{ tons/ac/yr}$. The potential reduction in PM_{10} each year could be $4,060.77 \times .13 = 527.9 \text{ tons}$, $1,930.53 \times 2.59 = 5,000.07 \text{ tons}$, and $665.7 \times .99 = 659.04 \text{ tons}$, totaling 4,647 tons of potential reduction in PM_{10} per year. Taking into account development will lead to the emissions identified in the table immediately above; the total reduction in emissions is $6,187.01 - 5,382.18 = 804.83 \text{ tons of } \text{PM}_{10} \text{ per year}$. For all other pollutants shown in the table, there would be an increase each year land is developed as noted. An accurate conclusion can be derived from this analysis: Development within the attainment demonstration area as depicted in the SIP for PM_{10} , submitted to EPA for approval, will lead to a reduction in PM_{10} emissions, with all other emissions increasing until build-out is complete.

One emission source within the Las Vegas Valley that occurs on BLM managed lands are 4 gravel pits. BLM estimates a release in PM_{10} emissions of approximately 209 tons/yr. This is based on 1/3 of the total emissions being attributed to gravel pits that are managed by BLM. The SIP identifies emission of 627 total tons/ac for all gravel pits in the Las Vegas Valley. This source of PM_{10} emissions is considered constant and most likely will not change. If there is a change it would be less than 1% even with a 100 tons/year increase. However, this is not expected to happen.

Regional Significance as Defined By EPA

As demonstrated by the analysis, development occurring in one-year would not result in emissions that would be considered “regionally significant” with regard to air pollution emissions. EPA defines an action to have a regionally significant impact if air emissions will exceed 10% of the total regional emissions budget for a criteria pollutant.

The regionally significant thresholds within the attainment demonstration area are 17,800 tons/year for PM_{10} and 12,100 tons/year for CO, based on the total budgets identified in the SIP, for the attainment demonstration area. Estimated emissions for the development of 6,657 acres of land over a one-year time period are 5,381.91 tons of PM_{10} and 4,152 tons of CO, well below the 10% threshold set by EPA. Therefore, impacts from both BLM and Private development are unlikely to become regionally significant. It is important to note that even using all lands developed in one year there still is not an issue with regional significance.

Ozone

As described in Section 4.0 above, EPA has recently indicated their intention to designate all of Clark County as a “basic” 8-hour ozone nonattainment area. The future sale of federal lands has the potential to increase ozone precursor emissions (NO_x and VOC) as these lands go into private

ownership and use. The potential increase in ozone precursors were estimated as reported above, and would contribute to Clark County's overall ozone impacts. However, based on reasonably foreseeable future emission control measures that Clark County must identify and implement prior to June 2009 (such as a reformulated motor vehicle fuels program), future cumulative air quality impacts from land sales development would be within the applicable 8-hour ozone NAAQS.

G. Water Resources

Projected water needs are assessed based on complete disposal of the BLM managed lands in the original SNPLMA disposal boundary along with the most recent development rates supported by Clark County records. It's likely that lands sold in year 2014 would not be developed until after the land is patented which could be up to five years or more depending on the need for housing and services. However, over the next 10 years it is reasonable to expect the development of 66,570 acres provided the current development rate continues. It is highly likely and expected that some years up to 9,000+ acres may be developed per year. Since 1990, per communication with Clark County, 97,000 acres were developed in the Las Vegas Valley over the last 15 years, an average of 6,467 acres per year. Due to the current demand for housing in the Las Vegas Valley, a higher rate of development is expected to meet the demand. Therefore, the disposal of approximately 28,500 acres of BM land within the original SNPLMA disposal boundary over the next 10 years as well as development of over 66,570 acres of private land will require 166,425 acre feet of water, using a water use rate of 2.5 acre/feet per acre of urban land, according to SNWA. Based on the SNWA Water Resource plan, even including the current drought conditions, the SNWA has sufficient resources available to meet near-term water demands, from 2004 through 2016. Conservation efforts would reduce future water use rates so additional development would require less water. If the water use rate decreases to 2 acre/feet per year, then 133,140 acres feet of water would be needed.

The Southern Nevada Water Authority is in the process of constructing and upgrading pumping, treatment, and distribution facilities to ensure adequate capacity for future growth. They are also working with the Secretary of the Interior and other states within the Colorado River Basin to increase the amount of water that can be withdrawn from Lake Mead and developing additional in-state resources to meet projected future needs. Additional resources include existing water rights on the Virgin and Muddy Rivers, banked water in the Las Vegas Valley and Arizona, shallow zones of the Las Vegas Valley alluvial aquifer and ground water in hydrographic basins outside the Las Vegas Valley.

The Southern Nevada Water Authority is working to develop the ground water resources in outlying areas as it is no secret that additional water from the county's to the north of Clark County would be required to meet the needs for a growing Las Vegas.

H. Floodplains

The cumulative impact of the June 2004 Land Disposal on floodplains could be increased in the volume, depth, velocity, and duration of flooding. However, these impacts will be mitigated

during development of each parcel individually by the developer, as required by local government or collectively through a regional authority. This mitigation will be in the form of constructing adequate flood control facilities that could include underground drainage pipes, channel stability measures, surface impoundments, or other features. The Clark County Department of Development Services reviews the design for these facilities.

I. Cultural Resources

Disposal and future development of BLM lands would lead to the disturbance of 90% of the land surfaces in the Las Vegas Valley, within the Las Vegas Disposal area. It is expected that approximately 10% of the land would remain in its natural state. Any cultural resources found on any parcel would be identified and appropriate mitigation would be required based on site characteristics.

4.3 Description of Mitigation Measures and Residual Impacts

Under the Biological Opinion no mitigation fee is collected upon the sale of this land. The fees will be collected prior to development in accordance with the Clark County MSHCP.

Residual impacts to air quality include a short-term increase in dust emissions from construction phases of any development of the land, and vehicle activity. In addition, an increase in hydrocarbon and combustion emissions from internal combustion engines would be expected in the project area. No long-term residual adverse effects on Air Resources are expected from the proposed action. The impacts are expected to occur during development after the land is sold. Once developed, the dust emissions would be minimal to none for the entire project area and a slight increase in hydrocarbons would be expected due to additional combustion engine vehicles continually being operated in the area, during and after construction. However, new technology for combustion engines has reduced the CO emission, which results in a minimal increase in CO.

The land purchaser will be required to take measures to control fugitive dust, in compliance with the Clark County Department of Air Quality Management permitting regulations.

EPA enacted clean engine standards this year, which over the long term will ensure a reduction in Ozone precursors.

4.4 Recommendation and Rationale

Recommendation:

It is recommended that the subject lands be offered for sale to the general public by auction under

the authority of FLPMA, SNPLMA, and all other applicable laws and regulations.

The patents, when issued, will contain the following reservations to the United States:

1. A reservation of all leaseable and saleable mineral deposits in the land so patented, and to it, its permittees, licensees and lessees, the right to prospect for, mine, and remove the minerals owned by the United States under applicable law and such regulations as the Secretary of the Interior may prescribe, including all necessary access and exit rights.
2. A right-of-way thereon for ditches and canals constructed by the authority of the United States, Act of August 30, 1890, 26 Stat. 391, 43 U.S.C. 945.
3. All land parcels are subject to all valid and existing rights.
4. All land parcels are subject to reservations for roads, public utilities and flood control purposes, both existing and proposed, in accordance with the local governing entities Transportation Plans.
5. All purchasers/patentees, by accepting a patent, agree to indemnify, defend, and hold the United States harmless from any costs, damages, claims, causes of action, penalties, fines, liabilities, and judgments of any kind or nature arising from the past, present, and future acts or omissions of the patentee or their employees, agents, contractors, or lessees, or any third-party, arising out of, or in connection with, the patentee's use, occupancy, or operations on the patented real property. This indemnification and hold harmless agreement includes, but is not limited to, acts and omissions of the patentee and their employees, agents, contractors, or lessees, or any third party, arising out of or in connection with the use and/or occupancy of the patented real property which has already resulted or does hereafter result in: (1) Violations of federal, state, and local laws and regulations that are now, or may in the future become, applicable to the real property; (2) Judgments, claims or demands of any kind assessed against the United States; (3) Costs, expenses, or damages of any kind incurred by the United States; (4) Other releases or threatened releases of solid or hazardous waste(s) and/or hazardous substances(s), as defined by federal or state environmental laws; off, on, into or under land, property and other interests of the United States; (5) Other activities by which solids or hazardous substances or wastes, as defined by federal and state environmental laws are generated, released, stored, used or otherwise disposed of on the patented real property, and any cleanup response, remedial action, or other actions related in any manner to said solid or hazardous substances or wastes; or (6) Natural resource damages as defined by federal and state law. This covenant shall be construed as running with the patented real property and may be enforced by the United States in a court of competent jurisdiction.

Rationale:

1. The land is physically suitable or adaptable for the use and purpose proposed

(43 CFR 2410.1(a)).

2. Lands found to be valuable for public purposes will be considered chiefly valuable for public purposes (43 CFR 2430.2(b)).
3. The recommendation to dispose of the subject lands is consistent with the FLPMA, SNPLMA, RMP and all other applicable federal public land laws and regulations.
4. Will result in revenues being paid directly to the State of Nevada, which will receive 5% for its general education program and to the Southern Nevada Water Authority, which will receive 10% for water treatment and transmission facility infrastructure in Clark County. 85% of the revenues will be used to purchase sensitive lands in Nevada that are more consistent with the policies stated in the RMP's and conservation values defined within the Clark County Conservation of Public Land and Natural Resources Act of 2002.
5. Road reservations are in accordance with the governing entities' Transportation Plans.
6. Proposed action is in the best interest of local growth policies and land use plans, as established and approved by the local governments within the Las Vegas Valley.

5. Persons/Agencies Consulted:

Kristen Murphy, Biologist, Division of Resources - Las Vegas Field Office (LVFO)
Stan Rolf, Archaeologist, Division of Resources – LVFO
Judy Fry, Realty Specialist, Division of Land Sales and Acquisitions – LVFO
Scott Sanderford, Realty Specialist, Division of Land Sales and Acquisitions – LVFO
Scott Archer, Senior Air Resource Specialist, BLM, Denver
Layne Weber, Clark County Development Services
Clark County Department of Air Quality Management
Clark County Comprehensive Planning
Clark County Public Works
City of Henderson
City of Las Vegas
Nevada Power Company
Southwest Gas Corporation
Argonne National Labs, US Department of Energy, University of Chicago
EPA

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4-08807

4310-HC-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

(NV-055-5853-EU)

NOTICE OF REALTY ACTIONS: Competitive Sale of Public Lands in Clark County, NV; Termination of Recreation and Public Purposes Classification and Segregation; Withdrawal of the formerly classified lands by the Southern Nevada Public Land Management Act

AGENCY: Bureau of Land Management, Interior

ACTION: Notice

SUMMARY: The Bureau of Land Management (BLM) proposes to sell federally owned parcels of land in Clark County, Nevada, aggregating approximately 2,532.01 acres. All sales will be conducted on June 2, 2004, in accordance with competitive bidding procedures. The BLM also is terminating the R&PP classification of other lands in Clark County that are withdrawn by the Southern Nevada Public Land Management Act.

DATES: Comments regarding the proposed sale must be received by BLM on or before (insert 45 days after publication in the FEDERAL REGISTER).

Sealed bids must be received by BLM not later than 4:30 p.m., PDT, May 26, 2004.

All parcels of land proposed for sale are to be put up for purchase and sale, at public auction, beginning at 10:00am, PDT, June 2, 2004. Registration for oral bidding will begin at 8:00 a.m., PDT, June 2, 2004. The public auction will begin at 10:00 a.m., PDT, June 2, 2004.

Other deadline dates for the receipt of payments, and arranging for certain payments to be made by electronic transfer, are specified in the proposed terms and conditions of sale, as stated herein.

ADDRESSES: Comments regarding the proposed sale, as well as sealed bids to be submitted to BLM, should be addressed to:

Field Manager, Las Vegas Field Office
Bureau of Land Management
4701 N. Torrey Pines Drive
Las Vegas, Nevada 89130

More detailed information regarding the proposed sale and the lands involved may be reviewed during normal business hours (7:30 a.m. to 4:30 p.m.) at the Las Vegas Field Office (LVFO).

The address for oral bidding registration, and for where the public auction will be held, is:

Sam's Town Hotel and Casino
5111 Boulder Highway
Las Vegas, Nevada

The auction will take place at Sam's Town Live, located within the Sam's Town Hotel and Casino.

FOR FURTHER INFORMATION CONTACT: You may contact Judy Fry, Program Lead, SALES at (702) 515-5081 or by email at jfry@nv.blm.gov. You may also call (702) 515-5000 and ask to have your call directed to a member of the Sales Team.

SUPPLEMENTARY INFORMATION: The following lands have been authorized and designated for disposal under the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2343), as amended by the Clark County Conservation of Public Land and Natural Resources Act of 2002 (116 Stat. 1994), (hereinafter "SNPLMA"). These lands are proposed to be put up for purchase and sale by competitive auction on June 2, 2004,

at an oral auction to be held in accordance with the applicable provisions of Sections 203 and Section 209 of the Federal Land Policy and Management Act of 1976 (FLPMA) (43 U.S.C. 1713 and 1719), respectively, and its implementing regulations, 43 C.F.R. Part 2710, at not less than the fair market value (FMV) of each parcel, as determined by the authorized officer after an appraisal.

LANDS PROPOSED FOR SALE:

Mount Diablo Meridian, Nevada.

T. 19 S, R. 59 E.,

Sec. 2, W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$;

Sec. 25, SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$.

T. 19 S, R. 60 E.,

Sec. 18, Lots 13 and 14, E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$;

Sec. 29, NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$;

Sec. 31, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$,

NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 32, NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$.

T. 20 S, R. 60 E.,

Sec. 6, Lots 40 through 49, SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$,

SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$;

Sec. 22, N $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 33, Lots 60 and 61.

T. 21 S., R. 60 E.,

Sec. 3, Lots 88, 89 and 90;

Sec. 24, S $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 28, N¹/₂NE¹/₄SW¹/₄SE¹/₄SW¹/₄, S¹/₂NE¹/₄SW¹/₄SE¹/₄SW¹/₄, SE¹/₄SW¹/₄SE¹/₄SW¹/₄, NW¹/₄SE¹/₄SE¹/₄SW¹/₄, SW¹/₄SE¹/₄SE¹/₄SW¹/₄.

T. 22 S, R. 60 E.,

Sec. 15, NW¹/₄NW¹/₄NE¹/₄SW¹/₄, E¹/₂NE¹/₄NW¹/₄SE¹/₄SW¹/₄, NE¹/₄NE¹/₄NE¹/₄SE¹/₄;

Sec. 16, W¹/₂NW¹/₄NE¹/₄NE¹/₄SW¹/₄, S¹/₂NE¹/₄SE¹/₄SW¹/₄SE¹/₄,

W¹/₂NE¹/₄NW¹/₄SE¹/₄SE¹/₄, W¹/₂NW¹/₄NW¹/₄SE¹/₄SE¹/₄;

Sec. 17, E¹/₂SE¹/₄SW¹/₄SE¹/₄, W¹/₂SW¹/₄SW¹/₄SE¹/₄;

Sec. 21, NW¹/₄NE¹/₄SE¹/₄NE¹/₄, NW¹/₄NE¹/₄SW¹/₄NW¹/₄, N¹/₂NW¹/₄SW¹/₄NW¹/₄,

NW¹/₄NE¹/₄SE¹/₄NW¹/₄, NE¹/₄NW¹/₄SE¹/₄NW¹/₄;

Sec. 22, E¹/₂NE¹/₄SE¹/₄SW¹/₄SW¹/₄;

Sec. 23, SW¹/₄NE¹/₄SE¹/₄NE¹/₄;

Sec. 24, NW¹/₄NE¹/₄NE¹/₄NW¹/₄, SE¹/₄SW¹/₄SW¹/₄NW¹/₄, SW¹/₄SE¹/₄SW¹/₄NW¹/₄,

NW¹/₄SW¹/₄SW¹/₄NE¹/₄, SW¹/₄SW¹/₄SW¹/₄NE¹/₄, NW¹/₄SE¹/₄SW¹/₄NE¹/₄,

SE¹/₄SE¹/₄SW¹/₄NE¹/₄, NW¹/₄SW¹/₄SE¹/₄NE¹/₄;

Sec. 26, W¹/₂NW¹/₄NW¹/₄SW¹/₄.

T. 22 S, R. 61 E.,

Sec. 28, Lots 37 and 48;

Sec. 29, NW¹/₄SE¹/₄SW¹/₄SE¹/₄;

Sec. 30, SW¹/₄NW¹/₄SE¹/₄NE¹/₄, W¹/₂NW¹/₄SW¹/₄SE¹/₄NE¹/₄;

Sec. 33, Lots 85 through 88.

T. 23 S, R. 61 E.,

Sec. 7, Lots 1 and 2, NE¹/₄, E¹/₂NW¹/₄, NE¹/₄SE¹/₄;

Sec. 11, S¹/₂SE¹/₄NE¹/₄SW¹/₄, E¹/₂SE¹/₄SW¹/₄, S¹/₂S¹/₂NW¹/₄SE¹/₄, SW¹/₄SE¹/₄,

W¹/₂W¹/₂SE¹/₄SE¹/₄;

Sec. 14, W¹/₂W¹/₂NE¹/₄NE¹/₄, SE¹/₄SW¹/₄NE¹/₄NE¹/₄, W¹/₂NE¹/₄, W¹/₂E¹/₂SE¹/₄NE¹/₄,
W¹/₂SE¹/₄NE¹/₄, E¹/₂E¹/₂NW¹/₄, E¹/₂NE¹/₄SW¹/₄, NE¹/₄SW¹/₄NE¹/₄SW¹/₄, S¹/₂SW¹/₄NE¹/₄SW¹/₄,
NE¹/₄NE¹/₄SW¹/₄SW¹/₄, S¹/₂NE¹/₄SW¹/₄SW¹/₄, SW¹/₄NW¹/₄SW¹/₄SW¹/₄, S¹/₂SW¹/₄SW¹/₄,
SE¹/₄SW¹/₄, SE¹/₄;

Sec. 15, SW¹/₄NW¹/₄NE¹/₄SE¹/₄, SW¹/₄NE¹/₄SE¹/₄, SW¹/₄SE¹/₄NE¹/₄SE¹/₄,
NE¹/₄NE¹/₄NW¹/₄SE¹/₄, S¹/₂NE¹/₄NW¹/₄SE¹/₄, S¹/₂NW¹/₄SE¹/₄, S¹/₂SE¹/₄;

Sec. 22, E¹/₂, SW¹/₄;

Sec. 23, All;

Sec. 24, SW¹/₄NW¹/₄NW¹/₄NW¹/₄, SW¹/₄NW¹/₄NW¹/₄, SW¹/₄SE¹/₄NW¹/₄NW¹/₄,
SE¹/₄NE¹/₄SW¹/₄NW¹/₄, W¹/₂E¹/₂SW¹/₄NW¹/₄, W¹/₂SW¹/₄NW¹/₄, E¹/₂SE¹/₄SW¹/₄NW¹/₄,
W¹/₂SW¹/₄SE¹/₄NW¹/₄, W¹/₂E¹/₂SW¹/₄, W¹/₂SW¹/₄, W¹/₂NE¹/₄SE¹/₄SW¹/₄, SE¹/₄SE¹/₄SW¹/₄.

Consisting of 71 parcels containing 2,532.01 acres, more or less.

The proposed sale will include nine (9) parcels that have been identified for sale at previous auctions, but did not sell because either they did not receive any bids, or the sales were cancelled due to default. These nine (9) parcels identified as N-75200, N-77032, N-77040, N-77054, N-77055, N-77057 and N-77065, N-76385 and N-76400 contain 1,966.25 acres, more or less. The nine (9) resale parcels will be auctioned under the terms and conditions of this NORA.

If a parcel of land is sold, the locatable mineral interests therein will be sold simultaneously as part of the sale. The lands identified for sale have no known locatable mineral value. An offer to purchase any parcel at auction will constitute an application for conveyance of the locatable mineral interests. In conjunction with the final payment, the applicant will be required to pay a \$50.00 non-refundable filing fee for processing the conveyance of the locatable mineral interests.

Terms and Conditions of Sale.

The terms and conditions applicable to this sale are as follows:

All parcels are subject to the following:

1. All discretionary leaseable and saleable mineral deposits are reserved; but permittees, licensees, and lessees retain the right to prospect for, mine, and remove such minerals owned by the United States under applicable law and any regulations that the Secretary of the Interior may prescribe, including all necessary access and exit rights.

2. A right-of-way is reserved for ditches and canals constructed by authority of the United States under the Act of August 30, 1890 (43 U.S.C. 945).

3. All parcels are subject to valid existing rights. Parcels may also be subject to applications received prior to publication of this Notice if processing the application would have no adverse affect on the federally approved Fair Market Value (FMV). Encumbrances of record, appearing in the BLM public files for the parcels proposed for sale, are available for review during business hours, 7:30 a.m. PDT to 4:30 p.m. PDT, Monday through Friday, at the BLM LVFO.

4. All parcels are subject to reservations for roads, public utilities and flood control purposes, both existing and proposed, in accordance with the local governing entities' Transportation Plans.

5. No warranty of any kind, express or implied, is given by the United States as to the title, physical condition or potential uses of the parcels of land proposed for sale; and the conveyance of any such parcel will not be on a contingency basis. However, to the extent required by law, all such parcels are subject to the requirements of section 120(h) of the Comprehensive Environmental Response Compensation and Liability Act, as amended (CERCLA) (42 U.S.C. 9620(h)).

6. All purchasers/patentees, by accepting a patent, agree to indemnify, defend, and hold the United States harmless from any costs, damages, claims, causes of action, penalties, fines, liabilities, and judgments of any kind or nature arising from the past, present, and future acts or omissions of the patentees or their employees, agents, contractors, or lessees, or any third-party, arising out of or in connection with the patentees' use, occupancy, or operations on the patented real property. This indemnification and hold harmless agreement includes, but is not limited to, acts and

omissions of the patentees and their employees, agents, contractors, or lessees, or any third party, arising out of or in connection with the use and/or occupancy of the patented real property which has already resulted or does hereafter result in: (1) Violations of federal, state, and local laws and regulations that are now or may in the future become, applicable to the real property; (2) Judgments, claims or demands of any kind assessed against the United States; (3) Costs, expenses, or damages of any kind incurred by the United States; (4) Other releases or threatened releases of solid or hazardous waste(s) and/or hazardous substances(s), as defined by federal or state environmental laws, off, on, into or under land, property and other interests of the United States; (5) Other activities by which solids or hazardous substances or wastes, as defined by federal and state environmental laws are generated, released, stored, used or otherwise disposed of on the patented real property, and any cleanup response, remedial action or other actions related in any manner to said solid or hazardous substances or wastes; or (6) Natural resource damages as defined by federal and state law. This covenant shall be construed as running with the parcels of land patented or otherwise conveyed by the United States, and may be enforced by the United States in a court of competent jurisdiction.

7. Maps delineating the individual proposed sale parcels are available for public review at the BLM LVFO. Current appraisals for each parcel will be available for public review at the LVFO on or about April 5, 2004.

8. (a) Bids may be received by sealed bid for all parcels (with the exception of N-75200 and N-77125), or orally for all parcels at auction. Because of the Memorial Day holiday, all sealed bids must be received at the BLM LVFO, no later than 4:30 p.m., PDT, May 26, 2004. Sealed bid envelopes must be marked on the lower front left corner with the BLM Serial Number for the parcel and the sale date. Bids must be for not less than the federally approved FMV and a separate bid must be submitted for each parcel.

8. (b) Each sealed bid shall be accompanied by a certified check, money order, bank draft, or cashier's check made payable to the order of the Bureau of Land Management, for not less than 10 percent or more than 30 percent of the amount bid. The highest qualified sealed bid for each parcel will become the starting bid at the oral auction. If no sealed bids are received, oral bidding will begin at the FMV, as determined by the authorized officer.

9. All parcels will be put up for competitive sale by oral auction beginning at 10:00 a.m., PDT, June 2, 2004, at Sam's Town Live located inside of Sam's Town Hotel and Casino, 5111 Boulder Highway, Las Vegas, Nevada. Sam's Town Live is located near the box office and close to the movie theatres within Sam's Town Hotel and Casino. Interested parties who will not be bidding are not required to register and may proceed directly to Sam's Town Live. If you are at the auction to conduct business with the high bidders or are there to observe the process, should seating become limited, you may be asked to relinquish your seat in order to provide seating for all bidders before the auction begins. We will try to provide an audio/visual transmission outside the hall for your convenience.

10. All oral bidders are required to register. **Registration for oral bidding will begin at 8:00 a.m. PDT on the day of the sale and will end at 10:00 a.m. PDT.** You may pre-register by mail or fax by completing the form located in the sale folder and also available at the BLM LVFO.

11. **Prior to receiving a bidder number on the day of the sale, all registered bidders must submit a certified check, bank draft, or cashier's check in the amount of \$10,000. The check must list as individual (and not joint) payees both the Bureau of Land Management and your name or company name separated by the word "or".** On the day of the sale, pre-registered bidders may go to the Express Registration Desk, present a Photo Identification Card, the required \$10,000 check, and receive a bidder number. All other bidders must go to the standard Registration Line where additional information will be requested along with your Photo Identification Card and the required \$10,000 check. Upon completion of registration you will be given a bidder number. If you are a successful bidder, the \$10,000 will be applied to your required 20% deposit. For parcels N-75200 and N-77125, arrangements may be made for Electronic Fund Transfer (EFT) of the 20% deposit by notifying BLM no later than May 14, 2004 of your intent to use EFT.

12. **If you purchase one or more parcels and default on any single parcel, the default will be against all of your parcels. BLM will retain your \$10,000 and the sale of all parcels to you will be cancelled.** Following the auction, checks will be returned to the unsuccessful bidders upon presentation of Photo Identification at the Registration

Area.

13. The highest qualifying bid for any parcel, whether sealed or oral, will be declared the high bid. The apparent high bidder, if an oral bidder, must submit the full deposit amount by 4:30 p.m. PDT on the day of the sale in the form of cash, personal check, bank draft, cashiers check, money order or any combination thereof, made payable to the Bureau of Land Management, for not less than 20 percent of the amount of the successful bid. **If not paid by close of the auction, funds must be delivered no later than 4:30 p.m. PDT the day of the sale to the BLM Collection Officers at Sam's Town Live.**

14. **The remainder of the full bid price, whether sealed or oral, must be paid within 180 calendar days of the competitive sale date in the form of a certified check, money order, bank draft, or cashier's check made payable to the Bureau of Land Management. Personal checks will no longer be accepted.** Arrangements for Electronic Fund Transfer (EFT) to BLM for the balance which is due on or before November 29, 2004, should be made a minimum of two weeks prior to the date you wish to make payment. Failure to pay the full price within the 180 days will disqualify the apparent high bidder and cause the entire bid deposit to be forfeited to the BLM.

15. **Parcels N-75200 and N-77125 will only be put up for sale at the oral auction.** Sealed bids for these parcels will not be accepted. If these parcels are not sold at the oral auction, they will not be sold on the Online Internet Auction.

16. Oral bids will be considered only if received at the place of sale and made at least for the FMV as determined by the authorized officer. **For parcels designated Serial Numbers N-75200 and N-77125 specifically, each prospective bidder will be required to present a certified check, postal money order, bank draft or cashier's check made payable to the order of (individually and not jointly) the Bureau of Land Management or (Insert your name or company name here.) for an amount of money which shall be no less than 20% of the federally approved FMV of the designated parcels, Serial Numbers N-75200 and N-77125, in order to be eligible to bid on each respective parcel.** In order to bid on both designated parcels listed, a separate certified check, postal money order, bank draft or cashier's check for an amount of money which shall be no less than 20% of the federally approved FMV for each

designated parcel will be required. **The check(s) must list both the Bureau of Land Management and your name or company name separated by the word “or”.**

17. **ADDITIONAL INFORMATION:** The BLM may accept or reject any or all offers, or withdraw any parcel of land or interest therein from sale, if, in the opinion of the authorized officer, consummation of the sale would not be fully consistent with FLPMA or other applicable laws or are determined to not be in the public interest. If not sold, any parcel described above in this Notice may be identified for sale at a later date without further legal notice. Unsold parcels, with the exception of parcels N-75200 and N-77125, may be put up for sale on the Internet. Internet auction procedures will be available at www.auctionrp.com. If unsold on the Internet, parcels may be put up for sale at future auctions without additional legal notice. Upon publication of this notice and until the completion of the sale, the BLM is no longer accepting land use applications affecting any parcel identified for sale, including parcels that have been published in a previous Notice of Realty Action. However, land use applications may be considered after completion of the sale for parcels that are not sold through sealed, oral, or online Internet auction procedures provided the authorization will not adversely affect the marketability or value of the parcel.

Federal law requires bidders to be U.S. citizens 18 years of age or older; a corporation subject to the laws of any State or of the United States; a State, State Instrumentality, or political subdivision authorized to hold property, or an entity including, but not limited to, associations or partnerships capable of holding property or interests therein under the laws of the State of Nevada. Certification of qualification, including citizenship or corporation or partnership, must accompany the bid deposit.

In order to determine the value, through appraisal, of the parcels of land proposed to be sold, certain extraordinary assumptions may have been made of the attributes and limitations of the lands and potential effects of local regulations and policies on potential future land uses. Through publication of this NORA, the Bureau of Land Management gives notice that these assumptions may not be endorsed or approved by units of local government. It is the buyer's responsibility to be aware of all applicable local government policies, laws, and regulations that would affect the subject lands, including any required dedication of lands for public uses. It is also the buyer's responsibility to be aware of

existing or projected use of nearby properties. When conveyed out of federal ownership, the lands will be subject to any applicable reviews and approvals by the respective unit of local government for proposed future uses, and any such reviews and approvals will be the responsibility of the buyer. Any land lacking access from a public road or highway will be conveyed as such, and future access acquisition will be the responsibility of the buyer.

Detailed information concerning the sale, including the reservations, sale procedures and conditions, CERCLA and other environmental documents is available for review at the BLM LVFO, or by calling (702) 515-5114. This information will also be available on the Internet at <http://propertydisposal.gsa.gov>. Click on NV for Nevada. It will also be available on the Internet at <http://www.nv.blm.gov>. Click on Southern Nevada Public Land Management Act and go to Land Sales.

PUBLIC COMMENTS

The general public and interested parties may submit comments regarding the proposed sale and purchase to the Field Manager, BLM LVFO, up to 45 days after publication of this Notice in the *Federal Register*. Any adverse comments will be reviewed by the Nevada BLM State Director, who may sustain, vacate, or modify this realty action in whole or in part. In the absence of any adverse comments, this realty action will become the final determination of the Department of Interior. Any comments received during this process, as well as the commentor's name and address, will be available to the public in the administrative record and/or pursuant to a Freedom of Information Act request. You may indicate for the record that you do not wish to have your name and/or address made available to the public. Any determination by the Bureau of Land Management to release or withhold the names and/or addresses of those who comment will be made on a case-by-case basis. A request from a commentor to have their name and/or address withheld from public release will be honored to the extent permissible by law.

TERMINATION OF R&PP CLASSIFICATION – SNPLMA WITHDRAWAL

Additionally, the following leases granted under the Recreation and Public Purposes (R&PP) Act, 43 U.S.C. 869 et. seq.) have been relinquished: N-37113 (98FR5515),

N-63113 (64FR50527-50528), and N-66077 (65FR3245-3246). This Notice officially terminates the R&PP classification and segregation of the parcels, but does not serve as an opening order because those parcels are within the disposal boundary set by Congress in SNPLMA. Pursuant to Section 4(c) of SNPLMA, these parcels are withdrawn, subject to valid existing rights, from entry and appropriation under the public land laws, location and entry under the mining laws and from operation under the mineral leasing and geothermal leasing laws, until such time as the Secretary of Interior terminates the withdrawal or the lands are patented.

Mark T Morse
Field Manager

2004
Date